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THE DISTRICT COURT OF

WESTERN AUSTRALIA

1 of 1900

WELCOME CEREMONY FOR HIS HONOUR
JUDGE SEFTON

WAGER CJDC

TRANSCRIPT OF PROCEEDINGS

AT PERTH ON WEDNESDAY, 15 MAY 2024 AT 9.17 AM

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

MS P.N. WILKINSON President of The Law Society of Western Australia

MR B. DHARMANANDA SC representing the Western Australian Bar Association

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

WAGER CJDC: This is a special sitting to welcome his Honour Judge Alan Sefton SC to this Court. His Honour received his commission from His Excellency the Governor on 1 May 2024 and commenced sitting as a judge of the Court on 6 May 2024.

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

I welcome and thank the Honourable Chief Justice Peter Quinlan for joining the Bench today. It's with pride that the District Court judges sit as a Full Bench in order to welcome Judge Sefton, and we appreciate the presence and support of our Chief Justice.

It is with great pleasure that I welcome his Honour's family this morning. His Honour's wife, Ms Alex Sefton. His Honour's son, Hayden. His Honour's daughter, Ingrid. His Honour's mother, Mrs Glenys Sefton, and sisters, Ms Margaret Sefton, Ms Caroline Stokes, and Dr Janet Zint.

I also welcome all other members of his Honour's family and friends and colleagues and counsel who are present today or who are viewing the sitting from another location. I welcome justices of the Supreme Court and the Court of Appeal, their Honours Justices Mitchell, Vaughan, Smith, Forrester, Seaward, Lemonis, Glancy, Cobby and Master Sarah Russell.

I acknowledge and welcome the Honourable Justice Janine Pritchard, President of the State Administrative Tribunal, Mr Craig Bydder SC, Solicitor-General for the State of Western Australia, Mr Robert Owen SC, Director of Public Prosecutions Western Australia, Dr Graham Hill, State Solicitor, Ms Catriona Macleod, President of Women Lawyers of WA, Mr Michael Celenza, Executive Director of High Courts and the other executives from the Department of Justice.

I acknowledge and welcome the Principal Registrar of this Court and other registrars, and I welcome back the former Chief Judge, his Honour Kevin Sleight. I acknowledge and welcome the speakers at the Bar table. The Attorney General for the State of Western Australia, the Honourable John Quigley MLA, the President of the Law Society of Western Australia, Ms Paula Wilkinson, the President of the Western Australian Bar Association,

Mr Brahma Dharmananda SC, and the President of the Criminal Lawyers' Association, Mr Anthony Elliott.

Judge Sefton's appointment was made following the retirement of Senior Judge Stavrianou who was on this Bench for nearly two decades. His Honour Judge Sefton could also be described as a stayer, having held employment at the State Solicitor's Office for 32 years, ultimately holding the position of State Counsel.

His Honour's depth and breadth of experience, interest in the law, intellectual prowess and ability to work as a member of a team, place him in an excellent position to sit as a judge of this Court, performing his judicial role to the highest standard for many years to come, and it is my pleasure to welcome Judge Sefton.

Yes, Mr Attorney.

QUIGLEY, MR: May it please the Court. And thank you, Chief Judge Wager. May I join in recognising the many distinguished guests that your Honour has welcomed by name this morning. And in particular, I also extend a warm welcome to Judge Sefton's family and many friends who are here today, and especially his wife, Alex, and children Hayden and Ingrid.

I also pay my respects to the Traditional Owners, the Whadjuk people of the Noongar nation, their elders past, present and emerging. It is my great pleasure to appear here today on behalf of the State of Western Australia and the Government of the people of Western Australia to welcome Judge Sefton SC to the District Court, a most worthy nominee and appointment.

In that regard, and as I'm nearing the end of my eight-year term and look at the Bench this morning, I reflect on how many welcomes I've had the privilege of attending and wish to pause to say that before the appointment of any member of the Court, there's never been during my time a Captain's or Attorney's pick.

Appointments have been made after I have sought the wise counsel of the Solicitor-General of the day, who on my behalf conducts the widest consultation with the judiciary, stakeholders in the profession, The Law Society, the Bar Association, Criminal Lawyers, just to name a few. And only then does the Solicitor-General attend upon me with recommendations.

And in that regard, I want to pay particular thanks to the Honourable Chief Justice for his time as Solicitor-General and the wise counsel and insights that he gave me in recommendations for appointment, to Mr Joshua Thompson SC, who joins us this morning, who was the Solicitor-General for the bulk of my time and for the absolutely thorough and meticulous consultation he undertook on behalf of the Government.

And of course, of more recent times, the current Solicitor-General, Mr Craig Bydder, who undertook the consultations here. And that consultation process, of course, identified Judge Sefton as a stand-out candidate for appointment for the replacement of Senior Judge Stavrianou.

But at the same time, it was with some sort of sense of parting or loss that I take the nomination forward to Cabinet, because in Judge Sefton's capacity as State Counsel, he was invaluable to the Government over many years, and undertook very important work. And you get that sense of loss from the State Solicitor's Office, and someone I rely on, but equally such a stand-out and worthy candidate for this Court.

And prior to your Honour's appointment to the Court, you spent more than three decades working at the State Solicitor's Office, as noted by the Chief Judge. You rose to the position of State Counsel, second only in seniority to the State Solicitor, and served as the Acting State Solicitor on several occasions.

During your time at the State Solicitor's Office, you represented the State and its agencies in a wide range of complex matters, and in all courts and tribunals. Your Honour has provided legal advice on a similarly wide range of matters, and at the highest levels of Government, as well as contributing to the management of the State Solicitor's Office.

To illustrate the breadth and complexity of your work, your Honour's practice included constitutional and administrative law, regulatory prosecutions, revenue law, anti-discrimination law, Coronial matters, industrial law, mining law, Native Title, and environmental law, and land compensation and valuation law.

Your Honour, as I said, became State Counsel in 2020, the same year that you were appointed Senior Counsel. As State Counsel, you continued to appear as counsel for the State, and advised the Government on the most complex cases and matters. Your Honour also played an even greater role in

the management of the State Solicitor's Office, not least in the support of, and the development of counsel practising at that office.

Your Honour is also highly regarded in the legal profession, and you've contributed to the wider profession and the community in many ways, including as a former member of the WA Law Reform Commission, and Chairperson of the Appeal Costs Board. After your Honour's appointment as Senior Counsel, you also made a significant contribution to the work of the Legal Practice Board.

Plainly, your Honour has made an enormous contribution to the law, and to the important work of the State Solicitor's Office, and to the public through your advice and representation. And I've always been very grateful to your Honour for your wise counsel, and effective representation of the State, and the public interest over many years.

I first came across your Honour in a professional sense in my office, to your office, when I asked you to undertake the work as an inquirer on my behalf into the Njamal Charitable Trust, a charitable trust set up for the benefit of Indigenous Traditional Owners.

And through this Charitable Trust, would be channelled land compensation funds and mining royalties of large sums, regulated by an Act which was antiquated and created in the 60s for another day. Your Honour had to deal with a very complex factual matrix, inadequate legislation, and make a report. Your report was extensive and thorough and, indeed, ran to 650 pages, from my recollection.

From that report, and studying that report, I was able to draw the drafting instructions for new legislation, which is a nation first, and provides accountability of trustees and trust managers back to the Indigenous Traditional Owners who are the beneficiaries of these large sums of money. So the State and all of those Indigenous beneficiaries also owe you a debt of gratitude for your unstinting work on that inquiry that went over such a long period of time.

And in conclusion I'd like to say, your Honour, that you're eminently qualified for this appointment to this Honourable Court. Your Honour will bring, as I said, your extensive legal experience and expertise, and your demonstrated commitment, as I've just outlined, to work for the people in Western Australia, and will continue to do so on this Court.

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

May it please the Court.

WAGER CJDC: Thank you, Mr Attorney.

Ms Wilkinson.

WILKINSON, MS: May it please the Court.

It is my privilege to appear this morning representing the Law Society of Western Australia to welcome your Honour Judge Alan Sefton to the Bench of this Honourable Court. I acknowledge the Noongar people of the Whadjuk nation, and pay my respects to their elders, past, present and emerging, and I recognise their ongoing connection with the lands on which we meet.

I'm honoured to be a part of this welcome to your Honour on behalf of the Law Society of Western Australia. May I join my learned colleagues who preceded in acknowledging members of your Honour's family. Your wife Alex, children Hayden and Ingrid, and your Honour's mother Glenys who, it is fair to say, set one example which your Honour is not destined to follow; retiring at the age of 55.

Your Honour's older sisters, Janet, Caroline and Margaret, join you for the celebration today, and I'm sure they're delighted, your Honour, that their efforts to keep you in line when you were very young have paid off so well. I also acknowledge your Honour's late father, Peter. He would have joined his family in being extremely proud of all your achievements. And I join my learned colleagues in acknowledging your Honour's many esteemed colleagues and friends who are here today.

As we have already heard, your Honour is highly regarded and greatly respected in the legal profession. There was no tradition of lawyers in your family, however, and at school, your strengths were in the sciences and in maths. At university, your Honour describes yourself as having defaulted to commerce and law.

Your Honour identifies as a maths person, as well as a person strong in the sciences, and so there could have been some sliding door moments for you, which might have taken

your Honour off in a completely different career direction. But that was not to be, and you completed your degree and obtained articles with our State Solicitor's Office.

Your Honour was admitted to practice in February 1993, and you joined the Law Society of Western Australia in 2011. And at the Law Society, we have noted that thereafter you were registered for many Society events. And I understand that your Honour reads the Law Society weekly newsletter Friday Facts and enjoys it. Your Honour's Law Society membership is greatly valued by the Society.

To turn back to your career at the State Solicitor's Office, as has been said, this spanned 32 years. Your Honour's longevity at the State Solicitor's Office has, I suggest, mirrored your passion for the work done by the State Solicitor's Office. I understand that you greatly valued the variety of work which came your way, and what you experienced as a very collegiate and supportive working environment.

Your Honour was appointed Senior Counsel in 2020, and State Counsel at the State Solicitor's Office in the same year. Your Honour is best described as a generalist, working in different areas of law as required, as we've heard from the Honourable Attorney, and greatly enjoying the variety.

Your practice has covered almost all practice areas, including administrative law, statutory interpretation, the obligations and liabilities of the State, land compensation, valuation law, constitutional law matters, revenue matters, discrimination, Coronial law, industrial law, Native Title and environmental law, and occasionally even in the Family Court. Your Honour was clearly not overly attracted to criminal and civil matters but, your Honour, I guess you couldn't escape that forever.

Your Honour has appeared before a wide range of courts and tribunals, including being led by former Solicitors General in the High Court of Australia. As State Counsel at the State Solicitor's Office, your Honour provided advice to ministerial departments, and undertook cases before the State Administrative Tribunal and the Supreme Court.

Your Honour has been involved in a whole sequence of high-profile and significant State litigation in often very complex, large-scale matters. In a comment attributed to our State Attorney General, the Honourable John Quigley, he said:

These demanding matters were at the highest level of complexity, significance and sensitivity to the State.

And in the often extremely complex and time-consuming litigation, it may be said that you were perhaps at your happiest when there was a solid spreadsheet to read, and valuations, and a mathematical question to consider.

From 2012 until your Honour's appointment to this Court, your Honour was Chair of the Appeals Costs Board. Your Honour is also a former member of the Law Reform Commission, where you examined, reviewed and made recommendations for reform across a wide range of areas including Coronial law, sex offenders, family and domestic violence and representative proceedings. It has without doubt been the case that you have had an exceptionally wide-ranging and very distinguished career in the law.

As has become a tradition, the Law Society has sought contributions to this speech from your colleagues.

Long-time Appeals Costs Board member Maria Saraceni reminisced about how much she enjoyed working with you. She said she was delighted at your appointment and she observed that "Alan is a fun-loving man with a great sense of humour".

Former State Solicitor's Office Senior Assistant State Counsel Jean Shaw has now taken over your Honour's role and is Acting State Counsel. Ms Shaw remembers working with your Honour closely for the past eight years, and says your Honour was a supportive and generous colleague.

She says, "Alan was a very supportive team leader. He was very generous with his time to more junior lawyers and would create opportunities for his junior counsel to have a speaking role in court. He was also generous in sharing the more high-profile and complex matters to help develop other lawyers in the office".

Ms Shaw remembers your Honour as having a very good sense of what was important. She says, "In times of personal crisis, Alan had no trouble in saying, 'Go home and do what needs to be done.' Also in times of professional crisis, he was very supportive and would take however long was needed to help you work through the issue and come up with a way forward".

The State Solicitor's Office staff have fond memories of your Honour's eager participation in the annual whole of office themed dinners. Ms Shaw says, "One year we were asked to come as what you wanted to be when you grew up. Alan came as a priest. I also remember him dressing as a naval captain and wearing a glittery cape at a Met Gala themed dinner. He was always happy to get into the spirit of the dinners".

Your Honour, if I may, I have one story to tell from your early years as a young solicitor, which I think most of us in this room can relate to. The story involves a wildflower prosecution which was to be conducted by you in the South West. The prosecution needed to prove whether the wildflower picking in question took place on public or private land. And for the purpose of the prosecution, you were entrusted with the necessary certified maps. You needed to fly for Albany for the prosecution.

It was a bit of a challenge to get to the airport that morning for your flight because of the unusually heavy traffic on the freeway. But you made it to your plane with only moments to spare, only to realise as the door closed behind you that in your extreme haste you had left the evidence you needed, namely the certified maps, in your car.

Those of us who have been young lawyers in that sort of predicament, as we all have been at least once or twice, can truly understand the depth of torture which you must have experienced on the one-and-a-half-hour flight to Albany. At the court, your client had maps, but they were unhelpfully marked, not to be used for court purposes.

And then the wildflower picker turned up or, sorry, the alleged wildflower picker. He said it was impossible for the case to proceed that day because he needed time for legal advice. After complaining and blustering a bit, you reluctantly agreed that the hearing could not go ahead. And you were on your way back to Perth in no time, breathing the proverbial sigh of relief.

Everyone is probably wondering what happened next. Well, I don't know, very sadly, the outcome of that. But I understand that this prosecution has been said to be something of a highlight in your early career. Your Honour, in closing, on behalf of the Law Society and the wider legal profession of Western Australia, I warmly congratulate your Honour on your appointment and wish you all the best in this new role serving the community and the administration of justice.

May it please the Court.

WAGER CJDC: Thank you, Ms Wilkinson.

Yes, Mr Dharmananda.

DHARMANANDA, MR: May it please the Court. May I also acknowledge the Traditional Owners of the land on which we meet. On behalf of the WA Bar, it is my privilege and duty to speak at this welcome for his Honour Judge Alan Sefton SC. Your Honour comes to this Court with more than 30 years of experience, having served the State of Western Australia at the SSO in various roles, including as State Counsel and as Acting State solicitor.

Your Honour is amply qualified to continue to serve the State in your new role as a judge of this Honourable Court. Your Honour is a graduate of the Australian National University and holds a Bachelor of Commerce and has an Honour's degree in law. Your Honour has a remarkable depth and breadth of experience in a wide range of areas, including public law, administrative law, highly complex commercial disputes, revenue law, environmental law, human rights and constitutional law.

Your Honour has acted for the State in the most complex of cases and in the most sensitive of areas. Your Honour is known for your diligence and attention to detail. Your Honour is recognised as highly intelligent, hardworking and, let it be not left unsaid, competitive. Your Honour is meticulous and has an eye for detail. You are well-liked and respected. You are always willing to offer support and assistance to juniors.

You have high standards and are rigorous, testing each proposition as you develop a case for hearing. You would often challenge and encourage junior counsel to step up to the plate, probing their analysis to ensure nothing had been missed. I'm told your Honour's rigor may have appeared intimidating at times, but your approach was always to get the best from all with whom you worked in the interests of the administration of justice.

Your Honour has been a long supporter of good relations between the Bar and the SSO. You ran the Counsel Development Program at the SSO, where members of the Bar gave seminars to SSO Associates. I'm told you also briefed members of the Bar to assist your team on some

cases. Your Honour worked effectively as a member of the Senior Executive team at the SSO. You were an invaluable colleague, willing to discuss the most difficult issues facing Government and worked through a problem with your colleagues with care and attention.

I have read and reread your Honour's extensive CV, where you catalogue the many, many, many cases in which you appeared as senior and junior counsel. Your CV reminded me that your Honour appeared with the then Solicitor-General before the High Court to join my client's challenge to the constitutional validity of the Mineral Resources Rent Tax.

High points of principle about the Commonwealth's ability to tax citizens of the state differently were involved. Unfortunately, we were unsuccessful, but in the end the Mining Tax was repealed. Your Honour was part of the long game. May I pay my respect to David Jackson QC who led the Mining Tax challenge. May he rest in peace.

I have a faint memory of another case in which your Honour and I were involved. It is not mentioned in your Honour's CV. As best as I can recall it, the case was whether a corridor of land was truly reserved as a road and whether mining was being conducted over the road in breach of the legislation. There was in fact no road in existence and the location of the road was in the centre of a coal mining pit. Yet we were arguing about whether there had been a road rarely so characterised under the legislation.

The whole episode was not unlike the principles relating to quantum mechanics, where the uncertainty principle applies. At the quantum mechanical level, you can never know both where something is and at the same time know how fast it's going. Arguing about the non-existent road and whether it was properly characterised as a road before it became a hole in the ground to determine whether there was a breach was equally prone to uncertainty.

In Thomas Hertog's new book, *On the Origin of Time*, in 2023, Hertog explained Stephen Hawking's final theory. Hertog debunks the multiverse consequences of quantum mechanics and develops a theory about the evolution of time itself and the evolution of the laws of physics. The non-existent road would be argued by Hertog to not matter much. I'm glad to report the case settled. I honestly can't recall who won, nor whether we were on the same side. I digress.

Your Honour and Justice Whitby were work colleagues in your teenage years at Target Morley. You were named as one of

Target's rising stars in their bulletin. History had already been written. That's the funny thing about time and Einstein's relatively.

Your Honour is an avid hockey player. You were apparently not as competitive on the hockey field, but I'm told many a younger player has assumed they could get past you only to be stopped by your brilliant play. Your Honour's skills at hockey did not prepare you for the Avon Descent. The kayak toppled. Things didn't end well, I understand. Your Honour's known for your dancing prowess at SSO functions. It would appear your Honour has a life outside of the rigors of legal analysis at the SSO. I hope that continues in your new role.

Returning to Hertog's book, *On the Origin of Time*, Hertog quotes from the end of Wittgenstein's *Tractatus*, "Whereof you cannot speak, thereof one must be silent." I have no more to say. The WA Bar congratulates your Honour again on your appointment.

May it please the Court.

WAGER CJDC: Thank you, Mr Dharmananda.

Yes, Mr Elliott.

ELLIOTT, MR: Thank you, your Honour.

Your Honours and your Honour, I asked a very senior person at the State Solicitor's Office whether they had any advice for me in composing this speech. They told me, "His Honour likes short speeches". That prompted a laugh, of course, on my part, because they obviously know you better than they know me.

I thought that I had found a gem of trivia that might be overlooked in the researches of others that I could use to provide what I think is an insight that might be useful to those listening. I hoped to provide details about this matter leading to the ultimate reveal, and perhaps a giggle at the end, but the Attorney General has gotten a jump on me and stolen all of my thunder.

Notwithstanding, there is a point to be made, and I hope you will forgive me just a little repetition. Because as we've heard, in May 2017, an inquiry commenced, and it was commissioned by the Attorney General under Section 20 of the Charitable Trusts Act 1962. It concluded in October 2018.

The inquiry considered thousands of pages of documents and the inquirer met with dozens of individuals and issued many requests for assistance, both of a compulsory and voluntary nature, in order to use the words of the inquirer, to obtain as best an understanding of the trust as possible for an outsider.

This was the first inquiry of its type and constituted a detailed analysis, which the Attorney himself described as being of assistance to the trustees of other charitable trusts who were grappling with governance issues. I wonder whether many in this room or the profession more broadly would have heard of that inquiry.

The report issued by your Honour highlighted a number of problems and was used, as the Attorney has pointed out, to inform amendments to the Charitable Trusts Act. The recommendations made by your Honour for legislative change were directed towards modernising the Act and ensuring more rigorous oversight of those entrusted with the management of such trusts. Plainly, this was a very important task.

The report and its appendices comprised some 681 pages. The executive summary alone contained 63 recommendations and covered 44 pages. An examination of the report reveals its complexity and detail. I'm pleased to report that I have browsed through the report that your Honour provided to the Attorney. I haven't read it all, but I was impressed by the depth that I could divine from the examination I conducted.

This is just one of your Honour's many achievements. I thought that the inquiry seemed to illustrate something of a theme. I mention it because it seemed to me to be a quiet achievement, but an important one. Not something that was broadcast from high places, but something that was necessary and vital, and undertaken with great commitment.

Your curriculum vitae, so far as curricula vitae go, makes for interesting reading. Mr Dharmananda SC has referred to some aspects of your CV. I'm sure you wouldn't want me to review it, so I shan't. I do, however, echo the compliments already paid you by those who have spoken already, and I acknowledge that they have provided a fair commentary on your extensive experience. I'm going to say a little of that.

Your Honour joined the Crown Solicitor's Office at about the time of the Great Separation in 1992. Most people in this room will know what I'm referring to by that phrase. The Crown Solicitor's Office was no longer responsible for

Crown prosecutions after the Director of Public Prosecutions Act of 1991 became law. Nevertheless, there was a period when staff still moved between the two offices.

I have known your Honour and known of your Honour since that time. You have spent 32 years in the service of the community whilst moving steadily through the ranks of the Crown Solicitor's Office, and later, the State Solicitor's Office. You were described by those who spoke to me as being very humble, a quiet achiever, down to earth, deeply private, committed as a mentor for counsel within the SSO.

It was said to me that you became the go-to person for all of the hard stuff within that office. It was no faint praise to be told that by the time of your appointment, you had been an integral centrepiece at the SSO for a long time.

In short, I was told quite a number of things, which I won't repeat, that made you more endearing in my eyes than you already were. One of my sources told me all about your wife, your children, your mother, your sisters, and all the other people who they foreshadowed were going to attend to acknowledge your appointment. Their presence is probably enough to indicate the popularity that you hold, and so, I'll say no more.

Your friends inside the law seemed very proud to speak of you in a deferential manner. That was a manner that seems justified, given what you have achieved in the law, but in a sense, a little out of place, given your humble quality. The fact that colleagues share pride in your elevation must surely make your family and your friends even more proud of you this day.

I have tried hard to say as little as I could about you, and I hope that you will forgive me for having said as much as I have. But I didn't wish to take my seat until I had done my best to remind those who might observe this ceremony of your unquestionable suitability for this new role as a servant once more of the law and of the community. It is a role that many have described as an inevitable progression.

On behalf of the Criminal Lawyers' Association, it is indeed my honour to offer these welcoming remarks and to wish you the very best during your judicial career. You have big shoes to fill. You have shown that you have all of the qualities to do so.

May it please the Court.

WAGER CJDC: Thank you, Mr Elliott.

Judge Sefton.

SEFTON DCJ: Thank you, Chief Judge.

I too would like to start by joining in acknowledging the Traditional Owners of the land upon which we meet, the Whadjuk people of the Noongar nation, and to pay my respects to their elders, past, present and emerging.

I'd like to acknowledge the Honourable Chief Justice Peter Quinlan and thank him for sitting with us on the Bench today. I'd also like to acknowledge the many distinguished guests who have already been identified who are present, the practitioners from my office and more generally from within the profession, my family, friends and other colleagues who've all attended today. It's most gratifying, I have to say.

Can I thank you, to the speakers, for your very generous words. As is fortunately common in these matters, there's the usual healthy overstatement of my qualities and understatement of my flaws, but in both respects I thank you very much.

Mr Attorney, I'm very appreciative of the confidence in me that the Government, on behalf of the people of Western Australia, have shown in trusting this new role to me. It's, of course, a very significant responsibility which I'll certainly seek to discharge fairly and with commitment always to upholding the oath of office associated with the appointment.

Ms Wilkinson, thank you very much for taking the time to meet with me to obtain an understanding of my background and for your generous words. Can I say, the Law Society has a fundamental role in the support of law and justice within the State, and there's an incredible commitment not only by you, but all of its staff and people within the profession who volunteer time in order to promote its activities, of which I've been a very satisfied participant over a long period of time.

Mr Dharmananda, equally, can I thank you for your remarks. Can I say, as best I recollect, I was on the right side of the road and I think at one point you were in the hole, but

I can't remember beyond that. And I, too, was pleased that the matter resolved.

In relation to the Independent Bar, it of course serves a pivotal function in the operation of the profession, and there has always been a very good relationship between our office and the Independent Bar in relation to matters. At times, perhaps, too good a relationship because it seems that the counsel development course which we developed, in which we had many independent barristers come along, became a bit of a poaching ground for a while, so we had to quickly modify our approach to these matters. But it's been a career pathway that many counsel from our office have taken, equally, many have remained because of the incredible opportunities and support there is within the office. But I thank you for your words.

Mr Elliott, thank you for your restraint. You are one of the better diggers for dirt, as it is, out there, as is well known. I much appreciate your comments. We have, of course, known each other throughout my entire career and I regard you as a friend and also regard you as a significant contributor, not only to the Criminal Lawyers' Association, but generally within the profession. Similarly, the Association plays an important role, one of which will probably assume even greater significance to me in my new role, I'm sure.

My recent appointment and this occasion have caused me to pause and reflect, particularly in relation to family, friends, colleagues and the incredible support I've received from them over so many years. My mother, Glenys, and late father, Peter, immigrated to Perth in the 1960s with my eldest sister, Janet, then a baby in tow. They moved from southern Africa. It was in part because there was a recommendation, because my father had a health condition, that they need to move to a different climate, but they also came to Perth and joined my late Uncle Tom, and late Auntie Peggy and their family who had already immigrated to Perth from England.

In what seemed like barely the twinkle of an eye, my other sisters, Caroline and Margaret arrived and shortly thereafter me, being the puny one of the four; four children under five. That was worthy of a medal then and worthy of a medal now, Mum.

My mum had a career in chemistry, and father, maths and computing. Their focus was always, however, on family. They both moved into the teaching profession during our school years which ensured that they could provide full

support to us. Growing up I was very fortunate. I've always had an incredibly supportive, loving family and a very happy upbringing.

Any barriers that I might have had to face, as Ms Wilkinson has already alluded to, had effectively been overcome as my sisters had already passed through them clearing the way for me. Of course, as with good sisters they always tried to keep me well grounded, as have my many nieces. To my disappointment, my appointment has not perhaps resulted in the level of honouring of me by them all, that I hoped, but there's always time for that in the future.

My mother is at the centre of our family. Mum, I cannot thank you enough for your enduring love and support. I suspect Dad will be somewhat amused looking down at today's proceedings, not being one for great ceremony, but I'm sure he'd tell me atbol(?) and the best of luck for all my future endeavours.

I'd also like to thank Alex's parents, Bob and Diane, for their support and travelling here today from down south, which was no mean feat. And my niece, Elizabeth, who's flying the flag for all the nieces out there who are currently dispersed around the country.

I have a great group of friends, including from school, sport and work, who are always there for me. They're perhaps even more skilled at keeping me grounded than my family, certainly on the hockey field. I'd like to thank my long-term friends, Trevor and Barry, as well as Barry's wife, Wendy, for finding the time to be here today travelling from overseas. We've been meaning to catch up now for a long time and I'm very pleased that we can do so on this occasion.

Like many I came to the law somewhat by default. I was fortunate my parents made it clear that it was entirely a matter for me what I wished to pursue in my career and that they really just encouraged me to find something that I'd find fulfilling. I'm pleased to say that I did.

I opted for combining commerce and law just to keep my options open and had the good fortune of studying interstate and having the benefit of independence living away from home.

Before my final year of study, I was back in Perth on holidays and by pure fortune happened to be chatting to a person at lunch one day, who told me about this strange place I'd never heard of called the Crown Solicitor's

Office. I asked the person how he found it and he told me it was really satisfying working there over the summer, that there was considerable responsibility working across a wide range of areas and it sounded like it might be interesting.

So I sent in, what at the time, was the customary one-page CV and within a couple of days had the customary 20 minute interview. Things were a lot simpler back then. That was at the time when every graduate who graduated in the State, essentially had an opportunity to practise in the law. It was the following year that Murdoch's Law School delivered its first graduates into the legal profession and there was much scrambling to try and make sure that everyone had a job then. So it was certainly a fortunate time where perhaps the pressures that students at universities are under these days, weren't quite the same, so that you had the opportunity to enjoy your university while also gaining your education. Perhaps somewhat more than many do these days, and for that I'm grateful.

When I went to the interview, I was treated with the customary suspicion of anyone who studied commerce or done work with the private big commercial firms. I fell into both categories. I still remember looking into the eyes of Peter Panegyres, one of the greatest Crown solicitors, the Prince of Darkness as he was affectionately known, as he asked me if the Crown Solicitor's Office was truly my first preference. I could feel he was assessing my every nervous twitch as I contemplated my response, knowing that the only acceptable answer was yes, I returned his steely gaze and said yes.

To my surprise, a few days later, I was offered a position at the Crown by Peter. Perhaps equally to his surprise, given my earlier affirmation, I broke what's regarded, certainly having sat on recruitment panels, as being an unstated but sacred bond, which is that you accept immediately. I asked for some time to think about it, however.

The temporary silence at the end of the phone was fairly deafening, but it was fairly pivotal in my response two hours later. After having abandoned the offerings of commercial lawyer firms, I said yes, a decision I never regretted. After that, the rest is largely history.

I started work in the office looking forward to the mixture of civil and criminal work, which was one of its big selling points, but as Mr Elliott has said, times are a changing. Within a matter of days there were meetings

describing the establishment of the Office of the DPP. The Honourable John McKechnie moved into that role and took with him many, many people from the State Solicitor's Office.

That was, of course, a time of great opportunity with the number of people who left who were more senior, so that it was certainly something that had its advantages, but equally it meant that my fledgling criminal career, comprising of junioring one criminal trial and seeing two other jury trials, came to a fairly pre-emptory end. I never would have anticipated at that time that 30 years later, I would be re-entering a career at the District Court so heavily based on criminal law. I'm grateful that at least I have some experience in regulatory prosecution so that I've opened a Criminal Code once in a while.

The Crown as it was and still is affectionately known by many was and remains an outstanding place to work. The opportunities were almost endless and the lawyers exceptional. Perhaps even more importantly, the supportive collegiate environment made work enjoyable when it was at its most challenging and relentless, as many of the major pieces of litigation I was involved in over time were.

My year group included my good friend, Kathy Gething, who I was delighted to welcome back to the office a few years ago after a 20-year hiatus. Others included the late, great Marianne Wells and Richard Hooker, who I recently bumped into on the hockey field. Not to brag, but for the record, Newman Knights were victorious over Melville.

The year after us were the real under-achievers. Justices Pritchard and Glancy, Senior Member John O'Sullivan of SAT, Damian Matthews, former Commissioner of the Industrial Relations Commission, and arguably the smartest of them all, Nils Monaghan.

Others around the place at the time included Coroner Michael Jenkin, Principal Registrar of the Supreme Court Kate McDonald, Justices Mitchell and Lundberg, the former Solicitor-General Mr Thompson SC, and even the Chief Justice, for a period.

Everyone worked hard, but we had a really fun time, I must say. There were many social events and there was always time for a few of us who knew where the ping pong table was on Level 9 to escape work without anyone being aware, because we didn't have time sheets in those days either.

It was perhaps John Young, one of the most outstanding lawyers I had the privilege in working with, who was most influential in the direction of my early career. In my early days, John asked if I'd become involved in what became known as the Special Litigation Section.

Greg Gates, who's present, will recall that too, as he used to work in there with me. The support and junior lawyers worked in a separate secured area that was filled with thousands of documents. I remember, in the early stages, interviewing because we'd heard about new technology which was being developed where you could start to scan documents and potentially do optical character recognition, and how times have changed since.

While the thousands of documents these days would probably be millions, nevertheless, it was daunting to be in those rooms and just looking at the files upon files, most of which had been gathered together in the context of the PICL Royal Commission back in the day.

As a result of accepting the offer, which came with the usual non-binding indication that participation might be looked upon favourably when it came to reclassification applications the next year, I got involved in the Rothwells' litigation, and shortly thereafter the Tipperary litigation.

It was in that context that I came to work with Ken Pettit SC, who I've had the pleasure of working with and benefitting from his wisdom and his skill over many, many years, and who I regard as a close friend, so thank you, Ken, for all of your contribution.

I also got to work with many other luminaries, such as the Honourable Lindy Jenkins, who was in the office at the time, and provided great guidance on many matters. I'd also like to thank Carolyn Thatcher SC and Dan Djurdjevic. They were my first prosecution supervisors and they provided an endless source of wisdom, especially in my early years.

Also, George Tannin SC, my predecessor as State Counsel. Among George's many fine qualities was his fearless defence of the independence of the office, but more importantly, of his colleagues, no matter what.

It did not matter how badly you might have mucked something up. He was always a great source of support, and that provided great comfort to me and others, that you could do

your work and you would always be recognised and supported, no matter what.

I've had the privilege to serve under numerous Crown and State solicitors over my career. They've each brought their own particular skills and abilities to the role with great success, and I'm indebted to them all.

I'd like to thank in particular Paul Evans for his support, counsel and leadership. He certainly redefined my conception of efficiency and productivity, as he would drive into work, dictating opinions on the way to work, on the way to meetings. I've never seen such productivity from a person.

He also exposed me to whole new perspectives on conducting large-scale litigation, the tactics of it and general management of it, as well as insights into operating a large-scale legal office. I now also have what's fairly fleeting an understanding of Monte Carlo simulations, spider charts and using them for endless permutations to try and work out just how much money the State should get on things like the Bell litigation.

My thanks also to his Honour Judge Egan, with whom I worked closely in relation to many challenging matters, legal and non-legal, over many years. I'd like to take credit for employing Judge Egan, although I note that, in no short time, he ascended the ranks and became my boss, so it did cause me to reflect on my decision at times.

He was always incredibly supportive of me and others in what is undoubtedly a very difficult role, including in particular during the COVID period. I'd also like to thank generally the senior leadership group, but in particular Angela Komninos, Kirtsten Chivers, the Solicitor-General Craig Bydder SC and Robert Bathurst for their enduring support, friendship and counsel throughout my time in the office, as well as their own contribution.

Also, to the many, many people, many who are present at the Bar table in the room today, who worked with me so tirelessly, and I have to say, incredibly patiently, on many pieces of demanding litigation, I know you've probably tried to wipe those memories, but you know who you are and I want to thank you again for your contribution on those matters.

Generally, the solicitors and the counsel in the office are very talented, are very committed and have always provided

an incredible amount of support throughout my time in the office, and I thank you for that.

The juniors in particular we have now are just an exceptional group. Their enthusiasm, commitment and ability never ceases to amaze me, and it was one of the strongest reasons why I was always content to remain in the office doing the work that I did.

No less importantly though, it's very important that I thank the support staff over the years, because their contribution is no less than that of the legal staff over the time. Often it's unrecognised, but I'd like to acknowledge their important role.

In particular, my secretaries for their patience and good humour, and being a gatekeeper whenever I needed it. Sherin, Patrice, Lana, Aideen and Paris, my professional assistants, including most recently Aleasha and Jet-Din, and the many other people within the office such as Keith Whitehouse, Eugene Ashe, Mark Hilditch and Phil Takos, who were at the core of making SSO the place that it was, and have all become long-term friends.

I have to say, my decision to leave SSO to take up a judicial position was not made without some moments of pause and reflection. Upon accepting, I have to say, it was very revitalising, and I'm very pleased that there are many, many things, particularly to do with office administration, which have now been passed on to others to take over the mantle.

I've certainly left the State Solicitor's Office sound in the knowledge that it's in incredibly safe hands as new leaders emerge and take on the task of advising the State. I'm also very grateful to the Chief Judge and other judges and staff of the Court for how welcoming they've been in recent weeks.

I've no doubt that the positive collegiate environment within the Court is what enables the important but often relentless responsibility of the Court to be discharged so effectively.

Finally, and most importantly, I'd like to thank my wife, Alex and my children, Hayden and Ingrid. Hayden and Ingrid, you are both such talented, wonderful people. Life's greatest pleasure is seeing you develop into the fine young adults that you've become.

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Your resilience, empathy, sense of humour, love and support are so appreciated. You are a continual source of inspiration to me and your mum. Alex, your selflessness, love and support is boundless.

You are what keeps our family together and I'm so lucky to have met you. You are truly my soulmate, and without you, Hayden and Ingrid, none of this would have been possible, and I'd like to thank you all.

WAGER CJDC: Thank you, Judge Sefton. And that now completes the special sitting, and the Court will adjourn.

AT 10.15 AM THE MATTER WAS ADJOURNED ACCORDINGLY