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THE DISTRICT COURT OF

WESTERN AUSTRALIA

1 of 1900

WELCOME CEREMONY FOR HIS HONOUR
JUDGE RAFFERTY SC

WAGER CJDC

TRANSCRIPT OF PROCEEDINGS

AT PERTH ON TUESDAY, 10 DECEMBER 2024 AT 9.15 AM

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

MR G.N. MACK The Law Society of Western Australia

MS J.K. TAYLOR SC Western Australian Bar Association

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

WAGER CJDC: This is a special sitting to welcome his Honour Judge Seamus Rafferty SC to this Court. His Honour having received his commission from His Excellency the Governor on 29 October 2024. His Honour commenced sitting as a judge of this Court on Monday, 4 November 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 the contribution made by all Aboriginal peoples in this State. I pay my respects to all Aboriginal people attending today in person or remotely. We're sitting as a full Bench of the District Court as a mark of respect for his Honour and I welcome and thank the Honourable Chief Justice Peter Quinlan for joining us on the Bench today.

It is with great pleasure that I welcome his Honour's family to the Court. His Honour's wife, Ms Miriam Rafferty, his Honour's children, Liam and Kate, his Honour's uncle and aunt, Mr Patrick and Mrs Fran Rafferty and his mother's Honour and father-in-law, Mr Alan Hahn and Mrs Estelle Hahn.

I 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, Mr Gary Mack, the President of the Western Australian Bar Association, Ms Julie Taylor SC, and the President of the Criminal Lawyers' Association, Mr Anthony Elliott.

I acknowledge the presence of Ms Joanne Stampalia PSM, Deputy Director General of the Department of Justice, Mr Howard Gretton, Official Secretary Government House, Mr Justin Whalley SC, Deputy Director of Public Prosecutions, Western Australia. Mr Martyn Plummer, Assistant Director of the Commonwealth Director of Public Prosecutions, Ms Kristen Ashton on behalf of the Director of Legal Aid, and Mr Michael Celenza, Executive Director Higher Courts and other executive representatives of the Department of Justice and Courts.

I welcome a number of justices from the Supreme Court, including Justice Fiannaca, Justice McGrath, Justice Vaughan, Justice Tottle, Justice Hill, Justice Solomon, Justice Smith, Justice Whitby, Justice Lemonis, Justice Vandongen, Justice Musikanth and Justice Glancy. I'm very pleased to see retired District Court and Supreme Court judges here including the Honourable John Chaney SC, and his Honour Simon Stone, with Mrs Linley Stone, and their

Honours Denis Reynolds, Gillian Braddock, Chris Stevenson and Bruce Goetze.

I also welcome his Honour's many personal friends and I note many of them are barristers and solicitors well known to this Court. I also welcome numerous magistrates, including the Deputy Chief Magistrate Libby Woods. I acknowledge his Honour's associate, Ms Cait Webb and his Honour's usher Ms Sana Feast and I welcome them as being the inaugural team Rafferty.

Judge Rafferty is well known to all judges of this Court. In fact, at the time of his appointment, back-to-back trials in which he was to appear as Senior Counsel were listed through until mid-2026. So it may be that the Court's gain is now having his Honour sitting as a judge of this Court, but that it's also been the profession's gain, given the number of matters that required a notice of acting to be filed by new counsel.

Judge Rafferty has been an excellent counsel and a trusted officer of the Court. I'm able to say this from personal experience, because his Honour has been appearing before me on a regular basis since he received permission to do so as an articulated clerk on behalf of the Office of the Director of Public Prosecutions for Western Australia in the Drug Court in the Magistrates Court, and that was about 24 years ago.

His Honour's appointment has been a loss to the profession, but it's certainly a gain for this Court and for our community. On behalf of the judges of the Court, I welcome his Honour and I'm sure his Honour will have an interesting and a rewarding career on this Bench.

Yes, Mr Attorney.

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

I'd like to also commence by recognising the guests, the many guests that you've welcomed this morning by name, his Honour's family and friends and so many of the judiciary and profession here to celebrate this occasion of your Honour's elevation to the Bench of the District Court. I'd also particularly like to pay my respects to the traditional owners of this lands, the Whadjuk people of the Noongar nation upon which lands the Court convenes this morning. And it is indeed my pleasure this morning to appear on behalf of the State of Western Australia, the Government of Western Australia and the community of

Western Australia to celebrate your Honour's elevation to the Court.

Of course, your Honour's elevation to the Court is not a promotion within the legal profession. It's the induction - the celebration of the induction of your Honour into the third branch of Government, which is in equal partnership with the Executive and the Legislature. And at this time, where there has been some controversy about the independence of the Court, it's good to pause and recognise that your Honour is joining an independent judiciary, the third branch of Government in our wonderful State.

I note that your Honour was admitted to practice in 2002, after completing your articles of clerkship with the Officer of the Director of Public Prosecutions. From 2002 to 2009, your Honour served as a State prosecutor at the Officer of the Director Public Prosecutions, prosecuting serious offences in the Supreme and District Courts.

After leaving the Office of the DPP, your Honour headed a private legal firm for more than 13 years, during which your Honour appeared as a defence counsel in numerous criminal trials and sentencing matters in multiple WA courts. In February 2023, your Honour was called to the Bar and practised from the Geoffrey Miller Chambers, appearing as counsel in numerous criminal proceedings.

Your Honour's experience and dedication to the profession was recognised when your Honour was appointed as a Senior Counsel in the profession in November 2023. Despite your Honour's commitments to the criminal courts, your Honour has always found the time to sit on various commissions and tribunals, including as Chairperson of the Liquor Commission of Western Australia and the Combat Sports Commission, also as a member of the WAFL Football Tribunal, and an advocate at the AFL Tribunal for the Fremantle Dockers Football Club. Your Honour has also served as a member of the Commonwealth Administrative Appeals Tribunal.

Your Honour has acquired a deep knowledge and extensive expertise in the criminal law across more than 20 years, having worked as counsel on multitude of complex criminal cases.

Judge Rafferty, you are highly regarded in the legal profession and eminently qualified for appointment to this Honourable Court. This became evident during the consultation process conducted on the Government's behalf by the Solicitor-General, where the feedback was just

fantastic, and you should be very proud of the feedback that the Government got during the consultation period.

So, it is on behalf of the Government of Western Australia, on behalf of all the people of Western Australia that I congratulate you on your appointment and wish you all the very best in this next stage of your service to the people of Western Australia.

May it please the Court.

WAGER CJDC: Thank you, Mr Attorney.

Mr Mack.

MACK, MR: Thank you, your Honour. May it please the Court.

I'm very pleased to be here in joining your Honour, in welcoming your Honour to the Bench of the District Court of Western Australia on behalf of the Law Society of Western Australia and the wider legal profession.

I, too, would like to acknowledge the Traditional Custodians of the land where we convene this morning, the Noongar people of the Whadjuk nation, and I, too, pay my respect to their elders past, present and emerging.

As Law Society President-elect, I take my - I become President on 1 January 2025. I extend an apology to your Honour for the absence of the current President, Ms Paula Wilkinson, who has been unable to attend today's ceremony but has asked me to extend to your Honour her warmest congratulations on your elevation to the Bench.

I join the Honourable Chief Judge and the Honourable Attorney-General in recognising the presence of your Honour's families here this morning and welcome them as well.

Your Honour has been a member of the Law Society since 2008 and has made a valuable contribution to the Society and its events for the previous 16 years. One of the most appreciated roles your Honour has played is in judging the Law Society's popular mock trial competition since 2017.

Your Honour's voluntary contribution to this annual contribution and the feedback your Honour's provided to law students has undoubtedly improved their legal skills and

perhaps even shaped their future careers. The Law Society is most grateful for this contribution.

Your Honour was also a member of the Law Society's Criminal Law Committee between 2008 and 2012, and has taken part in many CPD seminars presented by the Law Society. Again, this contribution is acknowledged and appreciated.

Some of your Honour's key legal achievements have already been outlined by the Honourable Attorney General but it is your Honour's achievements in another field that I would like to highlight this morning because they have many synergies to your Honour's new role.

Your Honour umpired 390 football league matches across 30 years and started with the Perth Football League Umpires Association, which I'll refer hereafter to the PFLUA, as a boundary umpire in 1989, and switching to field umpiring the following year. This included 12 grand finals and three A-grade grand finals in a row from 2000.

As your Honour's legal career progressed, so did your football career. Your Honour served as an assistant coach with the league for more than a decade and became President of the PFLUA for two years from 2021. Your Honour's credited with rejuvenating the Association in creating the PFLUA Hall of Fame, into which your Honour was inducted before being awarded life membership at the end of 2023. The President of the PFLUA, Mr Ryan Hadji, offered this tribute to your Honour:

Seamus has provided exemplary service to football and umpiring in Western Australia for many decades. He is widely respected within the WA football community. The PFLUA sends its warmest congratulations to Seamus on his elevation and wishes him all the best in his new role.

In addition, your Honour has been awarded life membership of Perth Football League two years earlier in 2011. As has been mentioned by the Honourable Attorney, your Honour became a member of the WA Football League Tribunal in 2017, hearing matters against footballers reported for contravening the laws of Australian football.

In 2018, your Honour took on the role of tribunal counsel at the Fremantle Dockers from the Honourable Judge John Prior when he was appointed to the Bench of this Court, appearing as an advocate for players as needed. In tribute to your Honour's advocacy in representing the Dockers players,

your Honour's former colleague at Geoffrey Miller Chambers, Mr Christian Porter, notes that:

The Dockers recent lack of on-field success cannot be put down to any lack of skill on part of their counsel in tribunal matters -

- who it's fair to say that your Honour has probably achieved the outcome of having many Fremantle players playing games they would, and according to Mr Porter, perhaps should otherwise have been suspended.

Returning to your Honour's role as field umpire, your Honour had responsibility for the outcome of games by interpreting the laws of football and applying them to specific situations in often emotionally charged atmosphere, and where appropriate, imposing sanctions.

As a member of the League Tribunal, your Honour was also expected to have a deep understanding of the laws of football and be impartial and afford participants procedural fairness, and again where necessary, impose sanctions where appropriate where there was infraction of a football law.

The importance of your Honour's contribution to this process is that it provided confidence to the players, members, supporters and sponsors that the game of which so many in our community love, that it was being played fairly, with integrity in accordance to the rules of the game.

The same attributes would seem to apply to your Honour's new role. We are called upon to adjudicate disputes where allegations have been made that laws have been broken, and where proven transgressions have occurred, apply appropriate sanctions.

A deep understanding of the law and ability to apply the law independently and justly gives the public confidence in the integrity of the justice system and the administration of justice, which is one of the pillars that underpin and sustain our democracy, which is a vital part of our life.

As the Honourable Attorney General said, your Honour - in addition to your Honour's service, well, your Honour's found time to serve the community in other ways such as Chairperson of the Combat Sports Commission between 2011 and 2016, and Chair of the (Indistinct) Commission from 2016 to 2020, having become a member in 2011.

As I draw to a close, I would like to offer the following tribute from a colleague. At law, your Honour took briefs from a range of well-known Perth lawyers. One of them was Mr Michael Tudori, and he states:

Seamus did have the skills and mindset to achieve whatever he wanted to do. To that end, Seamus was dedicated and very focused on learning the law to the extents that it was no surprise that he excelled by taking silk, and ultimately has become one of the best criminal minds in Western Australia for a long time.

To conclude, your Honour's enormous service to the criminal law and service to the community, in particular sport, when taken together will provide the public with confidence that our laws are being applied fairly and justly, and this will not only benefit the West Australian justice system but our community as a whole.

On behalf of the Law Society of Western Australia, the profession at large, I again congratulate your Honour on elevation to the Bench and wish your Honour well for the future.

May it please the Court.

WAGER CJDC: Thank you, Mr Mack.

Ms Taylor.

TAYLOR, MS: Your Honours, I acknowledge the Traditional Owners of the land on which we meet today, the Whadjuk people of the Noongar nation, and I pay my respect to their elders past and present.

It is, of course, my privilege today to speak on behalf of the WA Bar Association at this welcome ceremony to celebrate the appointment of your Honour Judge Rafferty to the Bench of this Honourable Court.

It is not without a small amount of sadness that we farewell another of our Senior Counsel from the WA Bar to take up an appointment in this Honourable Court. On this occasion, we are losing one of a diminishing handful of silks who specialises in the practice of criminal law, and your Honour will be very sorely missed. I've been in touch with some of those who've known you in practice who have given me some comments that are fit to share on this occasion. I'm grateful today in particular

to Mr Porter who took the time in very generous words to share with me his reflections on your Honour's accomplishments and characteristics.

It is obvious that those at Miller Chambers, of which your Honour's a founding member, will miss you most sorely amongst all of us. Your Honour is a down-to-earth and generous person who appears to genuinely thrive on contributing to the administration of justice, including through large amounts of pro bono work which your Honour has completed quietly and completely without pomp.

Your Honour grew up with your mother, who I'm told worked hard to support you in every way. After what was described to me as a bit of a listless post-school period wandering from job to job, which most of us can likely relate to, your Honour met your wife, Miriam, who was eager for you to pursue a more realistic career.

Your Honour decided to have a try at entry into Notre Dame Law School where your Honour caught the interest of the then Dean, Professor Greg Craven. Professor Craven apparently instinctively thought that you might be somebody with the practical skills and intelligence to be a great criminal lawyer, and he asked whether you were committed to a career in the law. I'm told that your Honour expressed absolute and complete commitment to becoming a lawyer.

I'm told that your wife and family also worked hard to support you in this commitment to the law, and you also worked late nights in a bottle shop throughout your degree to see it through.

Your Honour was admitted to practice in 2002 and commenced practice at the Director of Public Prosecutions Office in 2004 until 2009. Your Honour commenced work as a sole practitioner in 2009, and operated a law firm under your own name until about 2023. During this period, your Honour became head of the WA Liquor Licensing Commission.

It's been pointed out to me that rarely would someone in that position have both such a sound knowledge of administrative law, planning and procedure, as well as direct experience selling large amounts of liquor to the public.

As the Attorney General has mentioned, in January or February 2023, your Honour was called to the Bar and by November that year, your Honour had already taken silk, which is no small accomplishment. There may be one other person here who has achieved that accomplishment in such a

short period of time, but there are not many. It appears to be lightning speed.

There plainly cannot have been any doubt that over the preceding two decades in practice, your Honour had already developed the requisite eminence in practice of law, especially in advocacy, unquestioned integrity, availability, and independence. The other new silks appointed in that year are still talking about the fact that after the silks' vows ceremony in Canberra at the start of the year, your Honour waltzed off the plane, red bag in hand, to go directly to the Court of Appeal to argue your very next case. Your Honour's energy and commitment to the administration of justice appears to be near limitless.

In addition to your Honour's accomplishments in law and on the football field, I'm informed your Honour has also recently tried to master snow sports on the ski field. Reliable information is that after four days of intensive one on one instruction on the baby slopes in Queenstown, your Honour unfortunately took out more than a dozen seven-year-old Kiwi children, with whom your Honour had been in intensive training over the past week. Fortunately, no one was injured seriously enough to need the assistance of a lawyer on that occasion.

Your Honour is a lawyer's choice of lawyer. More often than not, your Honour's name comes up as the leading recommendation, if a lawyer or someone they know gets into trouble unexpectedly and needs help. There is probably no higher praise than that. Your Honour has also assisted many practitioners in disciplinary proceedings, often also acting pro bono. And your Honour's assistance in that regard will also be missed.

It's been said that one thing that stands out about your Honour is your consistent generosity. When people have found themselves in need of help of different types, your Honour's been a person who's provided assistance, with maximum skill and care and minimal fanfare.

The Court's welcome ceremonies, of course, are an occasion where the Court and members of the profession, and the public, can sit together and celebrate this Court's work in upholding and enforcing the rule of law and the administration of open justice.

The WA Bar is proud of the manner in which the Court works tirelessly, without fear or favour, to preserve the rule of law in this State. And your Honour is joining a strong

Bench, and I'm sure that your Honour too has all of the qualities to fulfil this very important role.

On behalf of the WA Bar Association, I'm pleased to offer your Honour our warmest congratulations on your appointment as a Judge of this Honourable Court. And we wish you all the best in your new role.

WAGER CJDC: Thank you, Ms Taylor.

Yes, Mr Elliott.

ELLIOTT, MR: Your Honours, and your Honour. My speeches commonly have two features. I like to have a theme which runs through each address, if possible. And I like to speak to sources, far and wide, to dig up hidden information that many haven't heard of. And those who attend these ceremonies need to hear. Often, the theme will relate to a particular tendency, hobby, or characteristic of the new appointee. Often, the anecdotes are colourful.

To say that there were a lot of people who wanted to say things about your Honour, would be an understatement. A very large understatement. Indeed, as I came along the corridor, just a short while ago, I had at least five people accost me to tell me more things about you.

Now, other people have already spoken about your Honour's background, education, professional career and professional achievements. I'm not being dismissive of all of those things, by avoiding repetition, I'm sure you'll appreciate it. Your Honour's legal acumen and skills are in my respectful view a given, which no one needs to hear me utter for a fourth time.

I was in a case with your Honour once and the person junioring me almost drove me mad, endlessly telling me, "That's the best cross-examination I have ever seen!" It would have been okay had he been talking about me. But he was talking about your Honour. May I echo the compliments that the previous speakers have paid to your Honour.

Many virtues have been mentioned to me. At this stage, I wish to mention two. They are loyalty and devotion. Some might think that the song, 'Hopelessly Devoted to You', written and composed by John Farrar, and originally recorded by Olivia Newton-John in 1978, fittingly describes the relationship between yourself and your wife, Miriam. Others have spoken about your early life together,

Professor Greg Craven, Notre Dame, the arrival of Liam, then Kate, and of your late mother, Elizabeth's devotion to her only son.

They could all be apt incidents for the song, 'Hopelessly Devoted to You'. But important as they all are, none of them quite have the high, soaring impact of your cameo in an independent film maker's 2002 production of the same name, when the neat fit of a set of judicial robes and a pair of footy boots was apparent to all. That is all I will say about those two loves.

Digressing briefly, your devotion to family is evident by the many family members on the Rafferty side, as well as on the Hahn side, who are here to celebrate this occasion. I shan't steal your thunder by mentioning those family members by name. Nor could I mention the many, many, many friends by name, because there are too many to mention. I will say this, from what I've heard from those I've spoken to, they all attend here with pride.

Returning to your time in movies and burlesque, many of your loyal friendships occurred around about that time. Who can forget, I might ask, the occasion when you and a Mr Vandongen, dressed as chickens to entertain colleagues. I have only been told about the red and green tights, and the stunning visual shock of your joint entrance. So I can only imagine how difficult it is for those who were actually there to expel that image from their memories.

There is a quality which judges need, and which your Honour has by the bucket load. I tried to think of a bigger container that sounded good for the purposes of a speech. I went into Christian Porter's office and realised that the container I needed to refer to is a Death Star. Before people jump to conclusions, I'm not talking about your Honour's capacity to cut to the point, your command of the brief, the incisiveness of your cross-examinations, nor your ability to disintegrate planets with a withering look.

The quality I'm thinking of is something more important, which your Honour has sometimes, some might say often, managed to conceal in the forensic arena. I did mention hidden information earlier. Now, I don't want people to be seduced into thinking that the concealed quality is your Honour's athletic ability. Ms Taylor of Senior Counsel has already dealt with that, and I noted that her use of the term, 'lightning speed', was used in a different context.

By way of introduction, and by way of digression, it seems necessary to throw in a Taylor Swift reference. Not because the Chief Justice is here, and it would be good if he were to hear me use Ms Swift's 'Haters Gonna Hate' lyric. I do it because I wish to make the point that 'likers gonna like'. Your Honour just happens to be one of the most empathetic and compassionate people I know at the Bar. Your Honour just happens to be one of the most empathetic and compassionate people I know at the Bar. Bear with me. The premise is important and the argument in support of it is compelling. I will present it swiftly.

Your Honour's gruff manner in your professional life frequently conceals that quality from the world, but when colleagues need advice or come to you for advice in accordance with the finest traditions of the Bar, you give it. You do so without complaint.

When you see something which is wrong, you speak up. When people need a lift or a boost up, you give it to them. Those who have benefited from this quality are universally thankful for it.

One area in which we, the profession, do get to see it is in your mentorship of young lawyers. I know a number of them. Many of them are here. They all speak of you with gratitude and admiration.

Time does not permit the recitation of examples. I used up that time telling this courtroom about movies, chickens. I wanted to tell a story about ABBA and also in remembering that when you junior Mr Vandongen in the High Court, you handed him a yellow sticky note, asking him, Dennis Denuto style, if he wanted a glass of water.

The role of a judge is very different from the role of the advocate. You don't need me to tell you that, nor do you need me to make the observation that in your new role there is enormous scope for you to demonstrate what I truly believe is your finest quality and for you to use that quality for the benefit of the people of Western Australia.

This paragraph is here by way of prediction, a confident prediction, likers gonna like. Someone mentioned Team Rafferty. Oh, it was the Chief Judge. I'm happy if I can be a member of that team also. As someone who has been involved in the criminal courts for a little while, I recognise that there are lots of people in a courtroom who need some compassion and your Honour is just the right person to recognise who they are, when they need it and in what measure.

Before I close and just as an aside, I mentioned Christian Porter earlier, but you ought not jump to any rash conclusions about whether or not he was one of my sources. If you think he was, please shake it off.

On behalf of the Criminal Lawyers' Association, it is my very great honour to offer these welcoming remarks and to wish your Honour the very best during what will be by way of another prediction a very, very accomplished career as a judge. May it please the Court.

WAGER CJDC: Thank you, Mr Elliott.

Yes, your Honour.

RAFFERTY DCJ: I, too, wish to acknowledge the Traditional Owners of the land upon which we meet today, the Whadjuk people of the Noongar nation and their elders, past and present.

Chief Justice Quinlan, Chief Judge Wager, fellow judges, judges of other Courts, retired judges, Mr Attorney-General, the Honourable John Quigley MLA, Mr Mack, Ms Taylor, Mr Elliott, members of the legal profession, family, friends, ladies and gentlemen, thank you all for being for being here at today's ceremony.

I thank those who have spoken today. I am truly humbled by each of your speeches. Some unkind people might suggest that humility is not a quality that has always come easily to me. Each of you has been extremely kind to me today. In my 23 years of practice, given the robust style of my advocacy and some of my personality traits, I have left a lot of ammunition out there that could have been used against me today and I am grateful to each of you for highlighting only the positives of my years in practice.

I also thank the Chief Judge and the judges of this Court who have been so welcoming and so helpful, making my transition into this Court so easy. I appreciate that I may not have always been the easiest of counsel to deal with, but notwithstanding that fact, you have been all so generous with your time and assistance.

I have noticed in the short time that I've been sitting in what former Senior Judge Stavrianou called the big chair that when counsel engage in some of the behaviour that I used to indulge in, it really is quite annoying. Some might call that karma.

I consider myself to be one of the luckiest people alive. I've been married to the loveliest, most tolerant and understanding person for the last 25 years. Without Miriam's support and encouragement, I would not be sitting here today.

What you saw in a 23-year-old part-time barman in 1997, I will never know, but it is clear that you saw some form of potential and for that I will be forever grateful. You put your career of nursing, at which you were so competent and so highly regarded, to one side so that I could pursue my career.

When I decided to leave the DPP in 2009 and go from earning an income one day to earning nothing the next, you backed me. When we closed the legal practice in 2023 that had developed to one of the busiest in town so that I could go to the Bar and set up Chambers, you agreed to this without question, found the building that we moved in to and helped with all of the setting up.

Miriam, there is nothing that I can say or do that can adequately reflect my gratitude and love for you. We have raised two independent, intelligent and creative children of whom I am exceptionally proud. I use the term we loosely as Miriam has largely done this all on her own.

For many years, Liam and Kate had a father who was often preoccupied with his work, given the commitment that was required to do what I did. You never complained about this and accepted that there would be good times when the person you knew as holiday dad would appear.

Liam had a very interesting perspective on my work. This is best reflected by a trip to Las Vegas in 2015 when he saw a billboard advertising the service of a criminal lawyer. He pointed to it and said, "Dad, that's you." The billboard said, "just because you did it, doesn't mean you're guilty."

My children have been educated in ways others have not. Having listened to many conversations with clients in the car, they know that you only have to give the police your name, your address and your date of birth and that you should always say no comment. Never participate in a record of interview and always keep your mouth shut.

Both Liam and Kate can recite verbatim the prelude to calls received from Hakea Prison, which is an unusual skill. I have a wonderful family, almost all of whom are here

today. You have been a constant source of support, when required, guidance and direction.

Seeing my Uncle Patrick, my Aunt Fran, my father-in-law Alan, my mother-in-law Estelle and the remainder of my family sitting in Court today is a very special experience and I am privileged to have been surrounded by such exceptional people.

I thank you for all that you have done for me for such a long time and all of you for attending today. I have a magnificent group of friends who are loyal, humorous and for most of the time do not allow my ego to get away from me.

I wish to especially acknowledge my school friends, Daniel, Andrew and Chris who are sitting in the back row of this Court this morning with their partners. We have now been friends for almost 40 years and shared many experiences together. However, I now claim privilege over all of those experiences and they shall never be mentioned again.

I also note that a number of my former cricket colleagues are also here today. I was the baby of the side and was fortunate to have been involved with men who were all successful in their chosen fields. Each of you has been a mentor who I admired and learnt so much from.

Today is a recognition of how lucky and fortunate I have been in life, but it wasn't always so. Being the only child of a single parent had its challenges. We lived in a flat with my grandmother who was a strong-willed and resilient woman, for many years.

We were not wealthy and there were times that were genuinely difficult, but even then, I was truly lucky to have a mother who was unique. She was loving, she was supportive and always revelled in whatever I achieved. It is my greatest regret that she is not here today. Mum died in July 2020 from cancer at the young age of 67.

She would have been ecstatic to be sitting in the jury box with the rest of my family and friends. Although it is likely that there would have been a fight over the foreperson position, but as always, Miriam would have won.

The only positive of mum not being here today is that you have all been spared from the experience of her telling you, in her normally forceful manner, how brilliant her little boy is.

I didn't take the usual path into law in that I didn't go straight from school into UWA or Murdoch University. My TEE score was nowhere near good enough to obtain entry into either of the law schools that operated in 1992. I studied to be a teacher. I was a staff cadet at the Royal Military College, Duntroon, and I worked in various hotels. I was even the talking Christmas tree at Aherns one year.

This delayed obtaining the one degree that I yearned for, though it was fortunate in that it gave me life experience and an exposure to life that others don't always get. I was fortunate to have that life experience, as it taught me not to be judgmental of others, and how to communicate effectively with people. I have used that experience in the practice of law in being able to talk to people and not at them, persuade them as to the reality of their situation, and to be empathetic when required.

My luckiest break in professional life was to meet Professor Greg Craven in 1997, who was the Foundation Dean of Law at Notre Dame University. He adopted an interview process for entry into the Law School as opposed to the traditional marks-based system. His first words to me were, "Geez, your marks are pretty ordinary". But once we started talking, he must have seen some form of potential in me.

He took a massive risk and allowed me entry to the university, and at the end of my first year of study, when it became clear that I was unable to pay for my degree, organised a 50 per cent scholarship for the remaining three years. I owe Greg a debt that I can never possibly repay, but know that he will receive significant satisfaction from my appointment, as it vindicates the risk that he took so many years ago.

I'm also very happy that my former lecturer, Celia Hammond, has been able to attend this morning. The first judge that I ever appeared in front of was her father, Chief Judge Kevin Hammond.

The luck continued when I was offered articles of clerkship at the Office of the Director of Public Prosecutions for Western Australia in 2001. I still remember the elation that I felt on the morning when Senior Judge Troy Sweeney, as she now is, approached me to come to her office for a chat and asked me if I wanted to join the office as an articulated clerk. Her Honour didn't finish her sentence before I said yes.

From that moment on, I was exposed to advocates who were truly brilliant, and who were amazing teachers and mentors. This group includes Justices Bruno Fiannaca and Amanda Forrester, Judges Troy Sweeney, Linda Petrusa, Carmel Barbagallo, and Amanda Burrows, and Magistrates Joe Randazzo, Kevin Tavener, and Coroner Philip Urquhart.

To each of you, and all those I worked with, thank you for teaching me the value of quality advocacy, the requirement for dedicated preparation, and to always act with impeccable ethics.

I do want to specifically recognise, though, the contribution to my career of two of my mentors, being retired Judge Simon Stone and Justice of Appeal Sam Vandongen, soon to be Justice Vandongen of the Federal Court. Your guidance, preparedness to listen and give advice, even when I didn't ask for it, whether it be on the law or life in general, and your honesty, has significantly shaped who I became as an advocate and as a person.

I learned so much from both of you in different ways. You were meticulous, fearless, clever and articulate. I thank you both so much for all that you have done for me and for your friendship. I was just a little concerned that one of you would now be marking my homework, but Sam's recent appointment to the Federal Court has allayed that fear.

My life as a defence counsel started with the words, "Hey fatso, do you want to come and join us?" The question posed by Magistrate Evan Shackleton changed my life. For almost six years, I shared Chambers with Evan, now Magistrate Mark Millington, and Rod Keeley, who is sadly no longer with us.

Each of them taught me what was required to engage in one of the most difficult of vocations, that of the defence lawyer. They each made such a hard job look so easy, and I thank you, Evan and Mark, for your friendship, your honesty and your encouragement over the years. I have treasured the time that we spent together.

I've been extraordinarily fortunate to have worked with so many brilliant lawyers. In private practice, Kirsty Stynes, Roisin Keating and Callum Parker worked for me and with me. Each of them was loyal, dedicated and hard-working. They have each grown into highly competent advocates, and to have played a part in their development is one of the highlights of my career.

I also had the pleasure of working with Jodie Garkaklis, Danielle Bessant, Danielle Coombe and Michael Garbellini, all of whom are wonderful people who assisted me greatly.

The absolute highlight of my career was moving to the Bar in 2023 and setting up Geoffrey Miller Chambers with five people who I now count as some of my closest friends. Each member of Chambers is an outstanding lawyer, dedicated to one of the most difficult and unpopular of roles, that of the defence barrister.

The decision to leave Chambers was truly the most difficult decision that I have ever made, because I enjoyed the company of everyone that I worked with. I used to say frequently that it made me genuinely happy to walk into Chambers each morning, and that it felt like we were a family.

Within that family, we've had two marriages this year, the birth of a child, and another one on the way. To have worked with Christian Porter, Tony Hager, Kate Turtley-Chappel, Kate Pearson and Roisin Keating was an absolute privilege. I must also mention our Chambers manager, Michelle Corbett, who performed her role with such aplomb and who was such a delight to work with.

I do make special mention of Kirsty and Roisin. I worked with Kirsty for six years and I worked with Roisin for five years. Not only are they exceptional lawyers, but they are both good friends. To see Kirsty doing so well at the Commonwealth DPP and Roisin as a barrister gives me immense satisfaction. They are both strong women who juggle the demands of work and motherhood, and make it look so easy.

We worked together on a number of cases and they both tempered my impetuosity frequently. An example of this was in the Kalgoorlie gold stealing trial that I did last year before his Honour Judge Stevenson, where I drafted a particularly strong portion of the closing address relating to the conduct of the investigating officer. This was after a spirited cross-examination of the same witness.

After reading the draft, Roisin said in her usual understated manner, "You don't need to kill him twice". I listened to her advice. I redrafted the closing, and, not surprisingly, the client was acquitted. Kirsty, Roisin, you both made me a better advocate, and I sincerely thank you both for this.

I thank those who have briefed me over the years. I always thought that I was relatively easy to work with and not particularly demanding. I genuinely hope that this was the case.

I do need to recognise one person who was not only a colleague, but a very dear friend, in David Manera. Telling him that I was going to the Bench and had to return countless briefs was particularly stressful, but as always, David, you took the news with grace and good humour. I thank you for all the work that you provided to me over the years, the wise counsel when things got difficult, and the many fun times that we shared together.

I've been able to practice as an advocate for almost 23 years, of which I have enjoyed almost every moment. It is the human element of the work that has given me the most satisfaction. Not everyone who appears in court is a bad person, and it's often the case that good people make poor decisions.

The work has been hard, but worthwhile, and extremely rewarding. I genuinely liked helping people and I thank all those who I have represented over the years. It was always a privilege to stand at the Bar table and to do my best in what I considered to be the absolute best job in the world.

As Mark Trowell KC said to me in what turned out to be my second-last trial, "It's the most amazing job. You get paid for talking a lot". It's one of the few times I've ever agreed with something that Mr Trowell KC has ever said.

My good fortune has continued in my appointment to the best firm in town, that being the District Court. I thank the Attorney-General and the Government of Western Australia for having the confidence in me to fulfil this new role.

I have inherited two wonderful staff in my associate, Cait Webb, and my usher, Sana Feast, who are both a joy to work with. I am surrounded by judicial colleagues, all of whom I admire, and from whom I have already learnt so much.

I know that some people may have reservations about my appointment, and that there may be an expectation that the exuberance that was shown in my advocacy may transfer to judicial life. To those who feel that way, you have nothing to be concerned about.

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The judicial oath that I took recently will guide everything that I do for the entirety of the time that I serve as a judge. I intend to be fair, polite, a good listener, measured and humane. Some of these things will not come easily.

But I do not get a choice in the matter, as I promise to do right to all manner of people, according to law, without fear or favour, affection or ill will. It was an oath that I take seriously, and will assiduously adhere to for as long as I sit on this Court.

I thank you all today for attending this ceremony. It has been very special, and I am very proud.

WAGER CJDC: Thank you, your Honour.

That now completes the special sitting to mark the appointment of his Honour Judge Rafferty SC, and Court will now adjourn.

AT 10.05 AM THE MATTER WAS ADJOURNED ACCORDINGLY