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THE DISTRICT COURT OF

WESTERN AUSTRALIA

1 of 1900

WELCOME CEREMONY FOR HIS HONOUR  
JUDGE MARTIN FLYNN

WAGER CJDC

TRANSCRIPT OF PROCEEDINGS

AT PERTH ON WEDNESDAY, 12 AUGUST 2020 AT 9.30 AM

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

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

MR S. DAVIES SC President, Western Australian Bar Association

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

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

This sitting is taking place on the land of the Whadjuk Noongar people and I pay my respects to their elders, past, present and emerging and I also acknowledge and pay my respects to their continuing culture and contribution.

Phase 4 COVID-19 distancing measures have meant that his Honour's judicial brothers and sisters have been unable to sit on the Bench with him in order to demonstrate their respect for him and to welcome him to the court in the usual way.

So his judicial colleagues are offering their support from the body of the court and are represented by his Honour, Senior Judge Stavrianou, on the Bench. The court is also honoured to have the Chief Justice of Western Australia, the Honourable Peter Quinlan SC sitting with us today.

I extend a special welcome to his Honour's family. I welcome his wife, Catherine Eagle, and their daughters, Hannah and Isabelle. I welcome all invited and distinguished guests, including the Honourable Pritchard J, President of the State Administrative Tribunal, his Honour, Chief Magistrate Heath, Ms Fogliani, State Coroner, Dr Tomison, Director General of the Department of Justice and other members of the Executive of the department.

The court also acknowledges his Honour's special guests including the Honourable Fiannaca J, the Honourable McGrath J and the Honourable Smith J. His Honour's academic colleagues, friends and members of the legal profession.

I welcome the speakers at the Bar table. We are soon to be joined by the Honourable Attorney, Mr John Quigley, MLA, who has been held up due to very urgent matters. I welcome Mr Nicholas Van Hattem, President of the Law Society of Western Australia, Mr Stephen Davies, SC, President of the Western Australian Bar Association and Mr Anthony Elliott, President of the Criminal Lawyers' Association of Western Australia.

I also welcome those people who are invited to attend the sitting, remotely, or who have chosen to view the sitting which will be place on the District Court website from tomorrow, 13 August 2020. So in that sense, I welcome you in advance.

Judge Flynn's appointment is possible because two new judicial positions have been created to help manage the significant judicial case load of this court that was further increased by legislative changes. And this is perfect timing. This is perfect timing because may I welcome the Honourable Attorney General, Mr John Quigley, MLA.

And Mr Attorney, I'm going to repeat what I've just said then and that is this. That Judge Flynn's appointment is possible because two new judicial positions have been created to help manage the significant judicial case load of this court and that has further been increased by legislative changes.

So I thank you, Mr Attorney. I thank Mr Joshua Thomson, the Solicitor General, and the former, Chief Judge Kevin Sleight, for your commitment to ensuring that this court receives additional judicial resources.

Jury trials recommenced on 20 July 2020 with COVID-19 distancing measures in place. Judge Flynn will join his brother and sister judges in presiding over the relisted trials that have been vacated due to COVID-19 measures. And the hard work of the judges of this court will also be directed to ensuring that the time for trial, for accused more recently committed to the court, does not blow out excessively.

It is fair to say that COVID-19 has placed significant stress on this jurisdiction. And without additional resources, significant delays are going to be inevitable. This court prides itself on being a collegiate and welcoming place and I thank Ms Janene Howard, Manager of Associates and Ushers, Ms Laura Sutton, Acting Executive Manager of the Court, Ms Tania Sloan, my Executive Assistant and all of the staff for assisting and welcoming Judge Flynn, his associate, Stephanie Councillor, and his usher, Kelsey Howen, to the team.

Of course, the District Court's gain in the appointment of his Honour is a Chief Magistrate's significant loss. And on behalf of the court I apologise for that. His Honour, Judge Flynn, will be a great asset to this court. His knowledge of the law is exceptional. For the last 14 years he's been an exemplary judicial officer with not only an outstanding knowledge of the law but also the ability to communicate and an enthusiasm for the law and a focus that has seen him deliver very many concise and considered judgments.

His Honour has shown a dedication towards judicial education that will be certainly well received in this jurisdiction. I welcome his Honour and his positive energies and skills to this court.

Yes, Mr Attorney?

**QUIGLEY, MR:** Thank you, your Honour.

I would also like to commence by recognising the distinguished guests welcomed by your Honour here this morning. And I would particularly like to pay my respects to the traditional owners, the Whadjuk people of the Noongar nation, their elders, past, present and emerging.

I would also like to commence my remarks this morning by offering the court my humble apologies for my late attendance. I did introduce an emergency legislation to the Assembly last night which created a further emergency for me this morning.

And unfortunately, he who would normally stand in my shoes when I'm unable to appear, the Solicitor General, Mr Joshua Thomson, SC, remains in isolation, having returned to this jurisdiction from arguing Western Australia's case before the Federal Court, over in Brisbane. So I would be most grateful if your Honour could accept my most humble apologies for my late attendance.

**WAGER CJDC:** Thank you, Mr Attorney.

**QUIGLEY, MR:** And you're most gracious in doing so.

But it is my pleasure to appear here today on behalf of the State of Western Australia and the Government and the people of Western Australia to honour and to welcome Judge Martin Flynn to court. I'm confident that he will serve the court and the public with distinction.

I would like to begin by extending a warm welcome to his Honour's family and many friends that are here today. I particularly acknowledge his Honour's wife, Catherine Eagle and daughters, Hannah and Isabelle Flynn, who I had the pleasure of meeting at the swearing in ceremony at Government House so recently.

Judge Flynn brings a wealth of not only legal and academic experience to this court but world experience as well. Something which the community is constantly reminding us it likes to see reflected in the judiciary to better represent the people of Western Australia.

Growing up in rural Queensland, Judge Flynn finished his schooling at the local high school in a small town, west of the Gold Coast, called Beaudesert, which these days has a population of around 6,000 people, and I imagine would have even been smaller when his Honour graduated in 1980.

Judge Flynn attained from the University of Queensland a Bachelor of Commerce in 1984 and a Bachelor of Laws in 1987. And having been articled in Brisbane, at Bowdens, now known as Gadens. After relocating to Melbourne, Judge Flynn practiced in commercial litigation at Freehill Hollingdale & Page, now Herbert Smith Freehills, in Melbourne for two years, before relocating again, this time to the Northern Territory, where he joined the Northern Australian Aboriginal Legal Aid Service as a solicitor engaged in criminal law and family law.

Darwin was also where Judge Flynn delved into academia, teaching units in commercial law and indigenous peoples law at the Northern Territory University, now the Charles Darwin University, from 1991 to 1998. This stint at the Northern Territory University was punctuated by a six-month placement at the University of Copenhagen as a visiting lecturer in the mid-1990s, in the type of international experience which is sadly all but impossible for our young people starting out in their professional lives, given the current state of world affairs.

In 1998, the same year as Judge Flynn obtained his Masters of Laws from the University of New South Wales, Judge Flynn moved to the University of Western Australia as a senior lecturer, teaching in criminal law and indigenous peoples law and human rights law. He later took up a part-time position with the Legal Aid Commission of Western Australia, conducting appeals in the Supreme Court of Western Australia.

In 2005 Judge Flynn became the Associate Dean of the Law School. Those who worked with him at the university speak of a sharp intellect combined with a good heart, attributes befitting not only a popular lecturer but a future judge. Judge Flynn has been widely published throughout his career on topics including human rights and the law affecting our First Nations peoples.

Indeed, Judge Flynn is a former Convener of the Law Society of WA's Human Rights Committee. It is precisely this type of experience which the McGowan Government is pleased to attract to the Bench as we try to drive down the indigenous incarceration rate which is this State's enduring shame.

Judge Flynn was appointed as a magistrate in September 2006 and was charged with regular circuit visits to the Geraldton Magistrates Court, no doubt, bringing with him his first-hand experience of the realities of living in rural and remote Australia. As a magistrate, Judge Flynn was also known on the Magistrates Court Education Committee and held roles with the National Judicial College of Australia.

Reflecting on your career to date, Judge Flynn, it is clear that you take a thoughtful, methodical and compassionate approach to the law. Your long-term human rights background and in particular, your recognition of the justice's systems often heavy impact on indigenous peoples' lives make you an ideally qualified judge to sit on the contemporary District Court of Western Australia.

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

May it please the court.

**WAGER CJDC:** Thank you, Mr Attorney.

Yes, Mr Van Hattem?

**VAN HATTEM, MR:** May it please the court.

It's my privilege to appear on behalf of the Law Society of Western Australia as we welcome your Honour, Judge Flynn, to the court.

As the Honourable Attorney has mentioned, in 1988 your Honour joined the commercial litigation section of Freehill Hollingdale & Page in Melbourne. Your Honour was part of a strong and collegiate cohort. Some of those colleagues have also reached senior roles in the profession and the academy in Western Australia. This group bonded, both over the hard, high-end, high-value commercial work and the \$2 Hare Krishna lunches.

Your Honour left Freehills to join the ALS in the Northern Territory. In 1991, your Honour accepted a role in the Northern Territory's University's Law School. During that tenure, as the Honourable Attorney's mentioned, your Honour travelled as a visiting lecturer at the University of Copenhagen in Denmark. There, you welcomed your first

child, Hannah, and your Honour also learnt one Danish word, snagel, a kind of delicious cinnamon scroll.

In 1998 your Honour completed a Master of Laws degree with the University of New South Wales. The same year, your Honour was appointed as a senior lecturer with the Law School at the University of WA and became the Associate Dean of the school in 2005. As a distinguished academic, your Honour has been widely published with a focus on human rights and criminal law.

In 2003 to 2004 your Honour lived in Italy. There, you learnt one Italian word, birra. Where as some of us come to the court today with a few extra COVID kilos, your Honour found a solution, both to the snagels and the birra, and that is on your Honour's bicycle.

Your Honour's love of bikes actually goes way back, first seen by the decision to ride from Adelaide to Darwin, for the ALS job, and what started as a fondness for bicycles may now be more like an addiction, not helped by your riding team telling your Honour what bit of kit you need to purchase next. Those suggestions are reportedly followed by your Honour trolling for several hours on the Bicycle Market Facebook page until the necessary purchase is made.

Following 19 years of experience as a solicitor and legal academic your Honour was highly regarded throughout the legal profession and was appointed to the Magistrates Court in 2006. Your Honour first joined as member of the Law Society in March 2011. To this day, your Honour remains a valued member of the society. Your Honour was a convenor of the Law Society's Human Rights Committee and a valued member of the Criminal Law Committee. The society is very grateful for your Honour's many contributions.

Your Honour served as a magistrate in this State for 14 years, serving with skill, care and impartiality. Your Honour's entire service to the legal profession reflects a career of hard work, integrity and discipline. After 14 years on the Magistrates Bench it may well be that your Honour had other ideas of how to spend time in the future, including with your family, in academia and perhaps on your bicycle.

It is clear to the profession that your Honour's acceptance of this important role is principally motivated by your Honour's sense of duty to the community. The community and the profession will be the grateful beneficiaries of your Honour's duty and service.

On behalf of the Law Society and broader profession, we congratulate your Honour on this appointment and offer our best wishes to you in this important role as a member of the District Court.

May it please the court.

**WAGER CJDC:** Thank you, Mr Van Hattem.

Mr Davies?

**DAVIES, MR:** On behalf of the West Australia Association may I present our compliments and our congratulations to your Honour on your appointment as a judge of this court. I wish to associate the Bar Association with each and all of the complimentary remarks that have fallen from others.

Your Honour is eminently qualified for appointment to this court by your 14 years' service as a magistrate, by your Honour's intellect, evident in your Honour's academic endeavours and by your Honour's distinguished record of publication of legal writing. And by your Honour's broad career as a solicitor in diverse fields of practice, including commercial litigation, criminal law and family law.

Those, of course, are rather colourless observations. Like my learned friends, inquiries are made for my benefit in preparing for welcomes such as this. For my own part, I was heartened on hearing reports to the effect that, while your Honour's thinking processes are never disorganised that circumstance does not extend, in all respects, to daily life.

Indeed, I found myself warming to your Honour most particularly on hearing that your Honour was unsure of the starting time of day 2 of your judicial orientation and had to call the reliable Judge Shepherd for the correct time.

Your Honour's suitability for appointment is a matter that can be established without question. It raises, nevertheless, the issue of promotion within the branches of the judiciary. Whether it be from the Magistrates Court to this court or whether it be from this court to the Supreme Court.

With exceptions principally relating to Appeal Courts and as between courts controlled by different Governments, it has long been believed desirable that on appointment to any judicial office there be no expectation or hope on the part



of any appointee for further appointment that might be thought to be in the nature of a promotion.

That is to say there must be a firm understanding on the part of all appointees that on accepting an appointment whether as a magistrate or as a judge of this court that that will be as glorious a destination as would be arrived at. That is because the State is a litigant in many, perhaps most, of the causes that are before the courts, at each level, and the State is of course, the entity that appoints our judicial officers.

There is, of course, no question whatsoever as to the suitability of any appointment that has been made from the Magistrates Court to this court or any appointment that has been made from this court to the Supreme Court. To the contrary, it is always the case that those appointments actually occur because of the very excellence of the appointees. And your Honour is an appointment of that stature.

But that is, of course, not the issue. The issue is ensuring the strength of the confidence in our system of justice. As the State is a litigant, and a significant litigant, in all branches of our court's judicial promotion, if it occurs, must be, and remain, remarkable, not commonplace.

In relation to your Honour's appointment, the Western Australian Bar is delighted by your Honour's appointment. It is, undoubtedly, yet another triumph for this court, achieved again by our Attorney General, who has what is turning into a remarkable ability to search out and find excellent candidates for appointment to judicial officer at each branch of the court.

In the course of seeking information about your Honour, I came to knowledge of another matter. And that is that your Honour was, with your Honour's daughters, known for attending information nights at WAAPA.

And further known at question time for asking - contrary to all Australian tradition, putting your hand up and asking a question - but asking whether WAAPA would take students in their forties. The answer given in response to your Honour's question was not reported to me, so it's not known. But your Honour's still here, so we can draw our own inferences.

We all know, and your Honour knows, from your Honour's 14 years' experience as a magistrate, that a court is not a

stage. But your Honour now has a costume. The Western Australian Bar welcomes your Honour to this court.

**WAGER CJDC:** Thank you, Mr Davies.

Yes, Mr Elliott?

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

As Mr Davies has already done, I seek to associate the Criminal Lawyers' Association with the complimentary remarks that have already been made about your Honour. Having done a number of these speeches, this time round, I began wondering to myself why the profession sees the need to tell stories revealing quaint or humorous characteristics of a new judge.

Reflecting, I thought to myself that for many people, judges have a somewhat otherworld quality, which sets them apart from the community which they serve. Reminding the community of the human qualities of a new appointee serves to counter that impression, publicly.

It's also important that those who are called upon to judge others recognise that none amongst us are perfect, and humanity is vulnerable to error and weakness. Your Honour's time as a magistrate over the last 14 years has demonstrated the qualities which you possess, which make you eminently suitable for the office which you now take up.

When it comes to speeches like this, the old adage, "It's not what you know, it's who you know", comes into play. Like others, I have made inquiries as far afield as I could, and happened upon one of your former colleagues at a Northern Territory University law school, who was very complimentary about your Honour.

And I'll read what they said to me, verbatim:

Martin came to the faculty as a commercial lawyer and left as a leading human rights and criminal lawyer. His LLM was on criminal justice and human rights, especially the rights of Indigenous people. These areas (indistinct) his many publications, including leading textbooks.

To digress for a moment, I'm told there was a time spent in Tuscany working on a further thesis, but I wasn't able to track down that work:

Martin was well-known -

- my correspondence said -

- in the Territory for his work in both practice and academia in these areas, and was a known agitator and commentator in the best traditions of being a troublemaker. The earliest versions of mandatory sentencing were a particular favourite for him.

It's difficult to think of any stories of the kind that might prove embarrassing or funny, because he enjoyed a good and wholesome reputation here. He doesn't really have any vices, apart from -

- and this is a serious vice -

- indiscriminate ice cream eating. But he's probably given that up now.

I'm told, however, your Honour has a penchant for all things sweet. Continuing with the narrative concerning your vices, the other is being an agitator. My correspondence said:

He will no doubt bring all of his many skills, experiences and qualities to the District Court Bench.

That narrative prompted me to search out your testimony before the Senate, Legal and Constitutional References Committee, dealing with the Human Rights (Mandatory Sentencing of Juvenile Offenders) Bill in 1999.

Your Honour testified on 3 February 2000. And Senator Payne, at the conclusion of your evidence, thanked you for your oral submissions, saying that he found much of it compelling.

There's one passage that I thought is worthy of repetition, for those who seek some insight into your Honour's compassion and understanding of sentencing. You were asked by Senator Cooney:

I am asking you what part each of the Parliament, the executive and the judiciary play in the sentencing process.

Your Honour said this, at 123:

If I am looking at the judicial function in abstract - that branch of government, the judge - what quality of a judicial function is important? One quality is proportionality, that is intrinsic to fairness. You get the justice you deserve.

If a judge is unable to deliver the sentence which is deserved, and the judge has the capacity to deliver a harsh sentence when that is deserved, and he should do so - there is no disputing that.

However, if that is removed from the judges and if the Parliament says that it does not want the judicial branch any longer to have the ability to be fair, that is where I see the dividing line. The proportionality fairness is the core of the judicial function.

I'm sure your Honour will bring that sort of thinking to your role. A Supreme Court judge, as they came into this room this morning, challenged me, saying, "I bet you didn't find any dirt".

With the right private investigator and a bit of digging, it's usually possible to find out a thing or two, or to identify the people who might have stories of that sort to tell.

The first person I spoke to spoke of heavy drinking sessions and throwing up. For a moment, I wondered whether that was an appropriate thing to mention at a judicial welcome. But curiosity got the better of me.

My informant, however, apologetically said, "I'm not aware of a single incidence of either", posing the question to me, "That's why they get tapped on the shoulder to become a judge, isn't it?" Well, I don't know the answer to that, but it could be true.

Another person who claimed to know you well enough to have encountered this behaviour, if it happened, said that they've never heard you swear, not even once. Please, your Honour, keep that record intact after my first appearance before you.

Another person I spoke to told me of your deep love for your family. Your parents, your wife, your brother, your two sisters, your two daughters. I was touched to hear of

that, but will not elaborate so as not to steal any of your thunder.

There's just one story I'll tell in that vein, that I was lucky to be told of. It was said that your father, Peter, who's in Queensland now, when told of your new appointment, asked you whether it was a promotion.

I'm sure that at the end of this, he will realise, from what has been said about you today, that not only is it a promotion, but it is a well-deserved promotion. It is an appointment that has been well received within the ranks of practising criminal lawyers.

Your Honour and your Honour's family deserve to be rightly proud. On behalf of the Criminal Lawyers' Association, it is indeed my honour to address this court at this ceremony to welcome you to the Bench, and to wish you the very best during your period of judicial service. May it please the court.

**WAGER CJDC:** Thank you, Mr Elliott.

Yes, Judge Flynn?

**FLYNN DCJ:** Thank you.

14 years ago almost to the day, a bunch of young practitioners from the Law Society, the Bar Association and the Criminal Law Association said nice things about me at a welcome ceremony in the Magistrates Court.

To my shame, I did not send a note of thanks. Today is the perfect occasion to set the record straight. Thank you, McGrath J, Judge Lonsdale and Judge Quail. My belated thanks is good news for the four young people who have appeared before the Bench today. It turns out that standing up in court and making exaggerated claims about my abilities is a good career move. Thank you for your kind words today.

I came to the Magistrates Court from UWA. I had not spent much time in court. I was very nervous. I was not to know that 50 new colleagues were ready, willing and able to help me.

I had an early clue. On the day that the Attorney announced my appointment, I was sitting in my office at UWA and an email arrived from the resident magistrate at Geraldton. It said:

If you are the Martin Flynn that nobody has heard of who has just been announced as a new magistrate, welcome. We look forward to seeing you.

I replied:

I am the Martin Flynn that nobody has ever heard of. Can you suggest any books that I might read about Geraldton?

An annotated reading list of five or six excellent books soon arrived. One of those books, "When the Pelican Laughed," by Alice Nannup, remains one of my all-time favourite books about Western Australia.

To this day, Magistrate Sharratt and I exchange emails about books, the law, and it must be said, favourite dark beers.

I spent periods of time as a magistrate in Joondalup, in Geraldton and Armadale, across the road at the Central Law Courts and as an industrial magistrate at 111 St George's Terrace.

In each of those places, I watched court staff deal with everyone in the court with dignity and patience. That is not always easy. The high volume of work is relentless. Many people in courthouses are under stress and behave badly. I take my hat off to the staff of the Magistrates Court.

In those same places, I benefited from the advice, support and friendship of fellow magistrates. There are too many to name, but lawyers love exceptions, so I'll name one, only because his fine qualities are typical of many others.

My last two years were spent working in chambers alongside Magistrate Richard Bayly. After a lifetime in the law and 15 years as a magistrate, he is still keen to share a heavy workload. He is happy to spend time discussing difficult cases. He is always on the lookout for ways to support colleagues.

I watched Richard do everything within his power to ensure that the court system served the needs of every community where he worked. Richard, sitting today in the Magistrates Court in Moora, I salute you. I hope the farm is getting some rain, but not too much.

The tone of a workplace is set by the boss. Chief Magistrate Heath I found encouraged a culture of

mutual respect. He makes time for magistrates to improve their skills. Every day I sit on the Bench, I draw on lessons learnt and programs delivered by the National Judicial College of Australia.

Chief Magistrate Heath wants magistrates to be happy. Seven or eight years ago he sent an email to a number of us and the email said:

I understand each of you own a bicycle. Why don't we put a team into an upcoming community cycling event?

He was not to know that I own three bicycles. Naturally, his email prompted me to go out and buy another bicycle. That was the start of a weekly ride around the river for a handful of magistrates and their friends that continues to this day, and I know from the sound of bones croaking that some of them are here today.

To complete a happy story, until the past week, I was not to know that I would have 30 new colleagues in this court who have made clear to me that they are ready, willing and able to help me. And I was not to know that I would have a Chief Judge who would invite me to judicial yoga. I'm grateful for the warm welcome. Thank you very much.

Despite appearances, today is not all about me. I am joining a separate branch of government, the judicial branch, and today is also an opportunity to reflect on the performance of that branch of government.

The job security of judges has been guaranteed since the Act of Settlement of 1701. It is guaranteed so that judges are independent and impartial when we resolve disputes according to law. We are not looking over our shoulder.

One result, it is said, is that the powerful and the powerless are treated equally. The Black Lives Matter movement questions that bold claim. The question is not surprising. The elephant in every courtroom in Australia is the overwhelming number of Indigenous people, both as accused but also as victims.

A year or two ago, I spent a couple of hours visiting the offices of the Wirrpanda Foundation. I sat down with five or six elite Indigenous sports people. Each had been earning a good living as a professional athlete. Now, for the Wirrpanda Foundation, they created and delivered programs to young Indigenous people with one objective, to improve the educational and employment outcomes of their people. I learned that they were having success.

I also learned about the impact of racism on their lives. One of the athletes, by coincidence, someone who played for a team that I cheered for every week, told of never entering any shop without having \$100 cash on hand. For this well-paid athlete, a personal hero of mine, there was a constant fear of being challenged about the ability to pay while browsing in a shop.

It struck me that having to contend with constant, unjustified, negative judgments would be at the very least incredibly frustrating. What does all this mean for the judicial branch of government in this state, where our stated goal is justice for all?

One answer is in the words used by a great Canadian judge, Judge Bertha Wilson, writing in 1990 - and I will paraphrase what she said. What we want are lawyers who can tell their client's story, lawyers who can help judges to see the parties as human beings, who can help remove the separation between judge and litigant. And then what we want from our judges is the special ability to listen with connection before engaging in the separation that accompanies judgment.

This is not an easy role for the judge, to enter into the scheme of the person before you and make their experience part of your experience, and only when you have done that, to judge.

I think Wilson J is right. The better I understand the lives of Indigenous peoples that appear before me, the better chance I have of formulating an order that pays heed not only to the rule of law but also preserves rather than threatens the integrity of a culture that is much older than mine.

A few days ago, a friend sent an email that said, "It takes a village to make a judge." Finally, today, I will introduce you to the people in my village. Many of them are here today. You know who you are. Thanks to Zoom, I regularly chat with my brother and two sisters. It is a joy for me.

The four of us know that our fortunate lives are a result of the unconditional love of our mother, who is no longer with us. We also know that our father is remarkable in too many ways to list.

I married into an extraordinary family. Today, almost all of them are locked down in Melbourne or working from home in regional Victoria. I make a promise to you all through



the video in front of a roomful of judges, in front of the Chief Judge of the District Court, in front of the Chief Justice of Western Australia and above all, in front of Senior Judge Stavrianou.

My promise is that as soon as it is safe and legal, if you change out of your tracksuit pants, I will meet you at Il Melograno where I am buying the gelati, not only for baby Raphael, but for his nonno.

Six weeks ago, I had a big decision to make about my work. I sat down with my wife and two daughters. The discussion was winding down. I had no idea what I would do, but I had the realisation that it didn't matter. The love and laughter that sustains me would go on, no matter what I decided or what happened after that.

Someone said, "Is there a welcome ceremony," and I said, "Probably, but I will try and get out of it." One daughter said, "Get out of it? The welcome ceremony is the only reason to do the job." Well, Hannah, I hope you are not disappointed.

The other daughter Isabelle feigned unhappiness about insufficient recognition at a welcome ceremony she had attended when she was nine years old. Well, Isabelle, and I will spell that for the transcript, I-s-a-b-e-l-l-e, make sure you do a word count of the name Isabelle on this transcript, Isabelle.

I used to play the clarinet. My last public performance was 28 years ago. I rehearsed, real musicians accompanying me. You should check out lizzyflynn.com, but only one person in this room, Catherine Eagle, was there. The rest of you don't know what you missed.

Catherine, at the end of the church aisle, heard me play an American folk song made famous by Enya, called, "How I keep from singing?" Because of Catherine, that is exactly how I have felt on almost every day since then. I will repeat what I said to the Governor 10 days ago. This appointment is an honour. I will do my best to ensure that it is deserved.

**WAGER CJDC:** Thank you, Judge Flynn. And that completes this special sitting. We will now adjourn.

AT 10.11 AM THE MATTER WAS ADJOURNED ACCORDINGLY