



**SUPREME COURT
OF WESTERN AUSTRALIA**
Stirling Gardens
Barrack Street
Perth WA 6000

MEDIA ALERT

18 November 2004

Court of Appeal announcement - Statement by the Hon Chief Justice David K. Malcolm AC

I warmly welcome the announcement by the Attorney General of the first appointments to the newly created Court of Appeal Division of the Supreme Court. The establishment of the Division has been the subject of consideration for the last decade. A major issue when the matter was first raised was whether the size of the Supreme Court was sufficient to create a separate Appeal Division. The Court now comprises 18 Judges and two Masters who are also members of the Court. In addition, jurisdiction in certain civil matters has been delegated to Registrars.

In July 1998, I agreed with the then Attorney General, the Hon Peter Foss QC, that a feasibility study on the establishment of a Court of Appeal should be undertaken on the basis that the Court of Appeal be an integral part of the Supreme Court and function as a Division of the Supreme Court. As is the case in other States where such a Court has been established, the Chief Justice remains the Head of the jurisdiction and would preside over the Court of Appeal when sitting.

I congratulate the Hon Justice Steytler on his appointment as President of the Court of Appeal and look forward immensely to working with him to ensure the successful implementation of the legislation which is expected to come into force on 1 February 2005. I also congratulate each of the Judges of the Court of Appeal on their appointments which have been made after detailed consultation.

The legislation for the Court of Appeal reflects much of the work of the Committee chaired by the Hon Justice Kennedy and later chaired by Justice Ipp, now of the Court of Appeal of New South Wales. The Ipp Report, as it became known, was completed in November 1999.

I am grateful to the former Attorney, Mr Peter Foss, for his interest in this proposal and I also thank the present Attorney General for his efforts in procuring the passage of the necessary legislation, as well as his assistance and co-operation in relation to the appointment of the President and members of the Court of Appeal Division of the Court. I also thank the members of the Court of Appeal Preparatory Committee for their efforts in preparation for the enactment and commencement of this legislation.

We look forward to the formal establishment of the Court of Appeal which will be marked by a Special Sitting of the Supreme Court on 1 February 2005.

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