THE SUPREME COURT OF

WESTERN AUSTRALIA

FULL BENCH

WELCOME TO THE HONOURABLE JUSTICE TROY DENISE SWEENEY

TRANSCRIPT OF PROCEEDINGS

AT PERTH ON TUESDAY, 14 OCTOBER 2025, AT 4.17 PM

QUINLAN CJ: The Court sits this afternoon to welcome the Honourable Justice Troy Sweeney to the Court. Justice Sweeney was sworn in as a judge of the Court and a judge of Appeal last month, commencing with us on 15 September. In doing so, we acknowledge the Traditional Custodians of the land on which the Court sits, the Whadjuk people of the Noongar nation, and we pay our respects to their elders past and present.

We warmly welcome members of her Honour's family who are here present, her Honour's husband Glen Potter, her father Brian Sweeney, her Honour's mother has been recently unwell and is so unable to be here today, other members of her Honour's family, her brother Cameron Sweeney, her Honour's daughter Rachel Potter, nephew Sebastian Sweeney and nieces Imogen Sweeney and Caley Kim, who are all here present, together with many of her Honour's friends and colleagues.

We also welcome many other distinguished guests here this afternoon, including their Honours Justices Banks-Smith, Colvin and Jackson, and Vandongen of the Federal Court of Australia, his Honour Justice Richard O'Brien, Acting Chief Judge of the Family Court, her Honour Judge Wager, Chief Judge of the District Court of Western Australia, and many of our judicial brothers and sisters from the District Court, their Honours Judges Staude, Herron, Levy, Lonsdale, Vernon, Quail, Gillan, Burrows, MacLean, Barone, Flynn, Massey, Shepherd, Barbagallo, Tovey, Miocevich, Jackson, Black, Christian, Hughes, Zempilas, Astill, Curwood, Cleary, Renton, Cormann and Jeyamohan.

One could be forgiven for thinking that your Honour may have been popular amongst your colleagues at the District Court. We also welcome her Honour Deputy Chief Magistrate Elizabeth Woods, Ms Kelly Martinelli, Executive Manager of the Supreme Court, Mr Craig Bydder SC, Solicitor-General for Western Australia, Mr Robert Owen SC, Director of Public Prosecutions, Mr Martyn Plummer, Assistant Director of the Commonwealth Director of Public Prosecutions, and Ms Catriona Macleod, President of Women Lawyers of Western Australia, together with many past members of this and other courts.

Finally, I welcome those who will address the Court this afternoon. The Honourable Attorney General, Dr Tony Buti MLA, Ms Judy McLean, Senior Vice President of the Law Society of Western Australia, and Ms Julie Taylor SC, President of the WA Bar Association. Justice Sweeney joins

this Court with over 19 years' experience as a Judge of the District Court of Western Australia, in which her Honour has most recently served as the Senior Judge since April of last year.

The attendance of so many of your Honour's colleagues from that Court is a testament not only to your Honour's vast experience and intellectual leadership on Western Australia's principal criminal trial court, but to the important pastoral and collegiate function that the role of Senior Judge provides.

Your Honour is not the first Judge of Appeal in this State to have come from the District Court. Both Justice Mazza and the Honourable Janine Pritchard go before you in that regard. Your Honour is, however, the first judge of the District Court to be appointed directly from that Court to the Court of Appeal. The Court is grateful that your Honour has accepted this new role as part of your continued commitment to the administration of justice in this State.

The appellate function is one of the distinctive features of the institution of the independent judiciary. No other institution in our contemporary world has within its very structures such a regular and publicly accessible mechanism for self-correction. Appeals from all courts in this State are rare, and successful appeals are rarer still, and yet this capacity for self-correction is one of the judiciary's great institutional strengths, and one to be valued by all of us.

The Court of Appeal is, for all intents and purposes, the final Court of Appeal in Western Australia and is responsible for maintaining and charting the future direction of the law in this State. In the last five years, for example, of the 965 judgments delivered by the Court of Appeal, only two were the subject of successful appeal to the High Court of Australia, approximately one-fifth of one per cent.

As the effective final Court of Appeal, it is vital that judges appointed to the Court of Appeal demonstrate intellectual and ethical leadership, a work ethic commensurate with the court's heavy workload, and an understanding of and appreciation for the pressures and complexity of the work undertaken by trial courts and first instance judges.

Your Honour brings all of those qualities to the work of this Court. We are delighted to have you join us all in

our work, and we extend a warm welcome to you and Glen to the family of the Court. As you continue your distinguished judicial career, you can do so assured of the collegiate support of all of the judges of the Court, as we look forward to your support of us in return.

Yes, Mr Attorney.

BUTI, DR: May it please the Court. Thank you, Chief Justice Quinlan. I would like to begin by recognising the distinguished guests welcomed by your Honour here this afternoon. I also pay my respects to the Traditional Owners, the Whadjuk people of the Noongar nation and their elders past, present and emerging.

It is my great honour and privilege to appear this afternoon on behalf of the State of Western Australia and the Government, as well as the people of Western Australia, to welcome the Honourable Justice Troy Sweeney to the Supreme Court of Western Australia. I extend a warm welcome to Justice Sweeney's family and friends who are here with us today, especially her husband Glen, her Honour's father Brian, brother Cameron and good friends Judith, Ian, Lorna and Jacqueline.

Justice Sweeney, you are eminently qualified to join the Supreme Court, bringing with you a wealth of experience and expertise. Your Honour was admitted to practice in 1987 and began working for the then Crown Solicitor's Office in 1989. Your Honour was fast-tracked to criminal jury trials, and in 1992 you were chosen to be one of the small founding team of prosecutors at the inception of the Office of the Director of Public Prosecutions.

Your Honour went on to rise through the ranks of the DPP to Senior State Prosecutor and Consultant State Prosecutor. Your Honour oversaw many complex and high-profile cases, including lengthy murder trials as well as sexual assault, child abuse, fraud and drug trials. Your Honour's expertise in child sex abuse cases led to your involvement in helping formulate changes to the law. Your Honour was appointed Senior Counsel in 2005 and after 17 years' experience in criminal law, you were appointed a judge of the District Court in July 2006.

Your Honour quickly became a well-respected judicial officer. The respect in which your Honour is held is reflected by the fact that you are the first judge of the District Court to be appointed directly to the Court of Appeal. Your Honour served with distinction as a District Court judge for 19 years and have had extensive experience

in the conduct of criminal trials as both judge and counsel. Indeed, you are the State's most experienced criminal law judge.

At the time of your Honour's appointment to this honourable court, you were the second longest serving judge of the District Court, after only her Honour Chief Judge Wager. Since April last year, you were the Senior District Court Judge, supporting the Chief Judge and standing in for her Honour if needed.

Outside of the courtroom, your Honour has been committed to legal education. In 2003, you convened the training and legal education committee at the Office of the Director of Public Prosecutions and coordinated several training courses in the field of sexual assault and child abuse cases. You were a coach at young lawyers advocacy events run by the Law Society, and that interest in advocacy continued once your Honour was appointed to the bench.

Your Honour has taken on a mentoring role in all facets of your career, whether assisting junior practitioners in your time at the DPP, guiding associates as a judge, supporting new judges or offering advice to your judicial colleagues as the Senior District Court Judge. Justice Sweeney, your appointment as a Supreme Court judge and Judge of Appeal is testament to your hard work and dedication to the legal profession.

Your Honour's appointment to field a vacancy created by the retirement of the Honourable Paul Tottle, and I take this opportunity to thank him for his distinguished service as a Supreme Court judge over the past 10 years. On behalf of the Government of Western Australia and the people of Western Australia, I congratulate you, Justice Sweeney, on your well-deserved appointment and wish you all the very best as you begin this new chapter of your service to the people of Western Australia. May it please the Court.

QUINLAN CJ: Thank you, Mr Attorney. Yes, Ms McLean.

MCLEAN, MS: Thank you, sir. May it please the Court. It is both a privilege and profound pleasure to appear today representing the Law Society of Western Australia in welcoming her Honour Justice Troy Sweeney to the bench of this honourable court, as we gather to celebrate this remarkable career and recent appointment of a jurist who embodies the very essence of justice, intellect and

integrity.

In an era where the law demands not only wisdom but also an unwavering resolve, her Honour has risen as a beacon of excellence. As my distinguished colleague has already noted, her Honour has built a remarkable career since being admitted to practice in 1987. Indeed, her Honour leaves the West Australian District Court as the second-longest serving, as already noted, second only to the Chief Judge Julie Wager.

With nearly two decades of extensive experience as a District Court judge and a formidable background in complex appellate work prior to joining the bench, her Honour brings unparalleled expertise to this Court. She has expertly navigated complex legal challenges, skilfully balancing the letter of the law and the spirit of humanity. Her judgments reflect a profound understanding of the human stories that lie behind each case. But beyond her professional achievements, what truly sets Justice Sweeney apart is her character, her blend of formidable intellect, genuine warmth.

On congratulating her Honour's appointment, a colleague noted, her Honour Judge Sweeney is truly formidable in the French sense, that is, impressive, awe inspiring, remarkable and extraordinary, while at the same time a little bit daunting and intimidating until you get to know her. No doubt, and based on colleagues' public comments, this perfectly captures the essence of her Honour.

To those who first encounter her in the courtroom, she may indeed seem a force to be reckoned with. Her probing questions, cutting through obfuscation like a scalpel, her presence commanding respect from the outset. Yet, as so many can attest, once you engage with her Honour beyond the bench, you discover a mentor, a collaborator and a friend whose character illuminates every interaction. She is a judge who not only upholds the law, but also elevates those around her, fostering an environment where justice is not only just administered, but lived.

You don't have to personally appear before her Honour or know her directly to be aware of her Honour's eminence in the legal profession. It is often spoken about by peers and colleagues. Her Honour's journey has not been without challenges. It is true for any trailblazer in our profession, particularly for women who have carved pathways for future generations in the legal field. Throughout

these challenges, she has remained unwavering, serving as an inspiring role model for aspiring lawyers everywhere.

As we honour her Honour Justice Sweeney today, let us look forward to the contributions that she will undoubtedly continue to make. May her tenure on the bench be marked with the same brilliance that has defined her career thus far. To her Honour, we congratulate you, we thank you and we wish you every success in this new chapter in serving our community and in the administration of justice. May it please the Court.

QUINLAN CJ: Thank you, Ms McLean. Yes, Ms Taylor.

TAYLOR, MS: It's my honour to speak today on behalf of the WA Bar to welcome your Honour Justice Sweeney as a judge of the Supreme Court and the Court of Appeal. On behalf of the WA Bar, I acknowledge the Traditional Owners of the land on which we meet today, the Whadjuk people of the Noongar nation, and I pay my respects to their elders past and present.

Your Honour needs no new welcome, having served as a judge of the District Court for the past 19 years. It is a testament to your Honour's distinguished service as a judge of that Court that you now have been elevated to the Court of Appeal. Several people have commented that the only surprise in this appointment is that it did not come earlier. Your Honour's whole career has been dedicated to public service, having formerly spent some 17 years as a counsel at the DPP and Crown Solicitor's Office.

I understand that your Honour has had a long-held respect for the Court of Appeal, so it's fitting that your Honour joins the esteemed ranks of the Judges of Appeal there. I'm told though that once your Honour appeared as counsel during a trial where your Honour took a dim view of some leading Court of Appeal decision and expressed your Honour's disapproval of it, learning the hard way of such disagreements because not too much later your Honour found yourself defending those comments before a disgruntled bench of the Court of Appeal who did not share your Honour's views on the topic.

Even as a junior prosecutor, your Honour had a reputation for being impeccably fair and not driven to winning. I'm told one story where your Honour was up north doing a trial against an Aboriginal accused. Your Honour started cross-examining him in the ordinary way by leading questions. He agreed with everything that your Honour

said, admitting to everything against his interest. He admitted that he had hit his brother with a heavy object. He admitted that he had done it with the intention to kill him.

Your Honour realised that this evidence was not fair to the accused and started leading the cross-examination using questions to the contrary of the Crown case. You didn't hit him, did you? You didn't intend to kill him, did you? And he agreed with those questions also. Your Honour ultimately told the jury that they should put his evidence completely to one side. Your Honour's cross-examination skills were indeed well-known during the time that you practised as a prosecutor.

One of your colleagues remembers going to watch a cross-examination that you conducted many years ago. That colleague, now also an experienced judge, still counts that as one of the best cross-examinations that he has ever seen. Your Honour has always been regarded as a consummate advocate, brilliant, knowledgeable and very thorough. I'm told that your Honour always had the most complex cases because your Honour was recognised as a brilliant advocate.

Your Honour often had the difficult circumstantial murder cases or fraud cases that went for months on end because they were challenging and therefore a good fit for your Honour's skills. Your Honour had poise and confidence even as a young prosecutor. Most people, it is said, would not attain that for some time and your Honour developed those skills well before your time. I'm told in particular Melbourne or Sydney silks would fly over to defend various higher profile accused and some were known to engage in bullying behaviour.

Many of your Honour's peers found this very difficult to deal with. However, they admired you for the fact that your Honour was born with the skills to deal with it. On one occasion, an old interstate interloper came up to you after you had asked particularly pointed questions of one of his witnesses and said to your Honour, "The gloves are off now, sweetheart." Your Honour's approach was not to be intimidated, but instead to burst out loudly laughing in his face.

It has also been said that your Honour is all that is right in a judicial officer. Your Honour has a reputation for being very intelligent, extremely hardworking, very considered and possessing of a real capacity for compassion on the bench. Your Honour also apparently has the patience

of a saint. Despite 19 years on the District Court bench, your Honour continues to bring all of these qualities to the courtroom, and your Honour has not flagged, not once, in all of that time.

Many of your colleagues and former colleagues have described you as the person that they go to when they have knotty questions and want considered evaluation of the situation, legal or practical. Other practitioners have always looked up to you and wanted to be like you in practice. Indeed, people at the Bar still remember that prior to your Honour's elevation to the bench, almost two decades ago, an acronym was framed for those in difficult situations, WWTSD. In such situations, people apparently would recant that acronym and ask themselves, what would Troy Sweeney do?

Despite the accolades and admiration, it seems that you are also still valued most for your qualities of friendship and loyalty. Your Honour is into fun things like Korean pop music and Korean TV, Buffy the Vampire Slayer and Game of Thrones. Your Honour's sense of humour has been described as wicked. Your Honour also loves cooking and gardening, which it is said keep your Honour grounded and surrounded by close friends.

In the words of one of your friends and colleagues, the people of WA have been fortunate to have your Honour administering justice in a trial court, and they will continue to benefit now that you will be a member of the Court of Appeal. So on behalf of the WA Bar, I congratulate your Honour on this appointment, which recognises your Honour's considerable success and unfailing service in the administration of justice in this State.

QUINLAN CJ: Thank you, Ms Taylor. Your Honour.

SWEENEY JA: Chief Justice, distinguished guests, judicial colleagues, counsel, friends and family, I add my acknowledgement to the Traditional Custodians of the land on which this Court sits, the Whadjuk people of the Noongar nation, and pay my respects to their elders past and present. I want to thank the speakers, Mr Attorney, Ms McLean and Ms Taylor for your very kind words. I feel I should defend myself from the accusation of criticising the Court of Appeal. I was extremely young.

It's not easy to be the centre of all this attention. It's particularly not easy when I know I'm surrounded up here on this bench by so many conspicuous overachievers

with long CVs. Mr Attorney, I want to thank you for the great honour of this appointment and giving me the opportunity to do something different at this stage of my career. It is, as always, a privilege to serve. This latest development was both unexpected and unlooked for.

When you've been in the one place for 19 years, you don't expect that to suddenly change, and the District Court was where I had always wanted to be. Earlier this year, the Chief Justice presided over a very long jury trial in the District Court building, and so, over several months, he joined us for coffee a number of times, and sometimes on a Friday evening he would come for a drink and a chat with us, and then, of course, mid-year that trial finally ended, and he left the building, and we missed him.

And so when he rang me one day out of the blue, I truly did think he must be wanting to invite himself back for a drink and a chat, and so you can imagine my surprise. I do want to thank both the Chief Justice and also Justice Archer, Gail, who has been a close friend since Crown Law days, and President Thomson for the words of support and encouragement because I don't mind saying it is a daunting thing to be asked to join a Court which has hitherto been marking your homework as Judge Rafferty puts it, and it's a hard decision to leave a place where you have close friends.

I want to thank my colleagues on the Supreme Court for making me feel so welcome, from the lovely messages before I had arrived, to the huge flower arrangement from the female judges the day I got here, from the judges on the Court of Appeal dropping in, and all of their associates who were so willing to help, to the number of judges who live up in this building and who've emailed me or dropped in to say hello, so I feel very welcomed here, and I have friends on this Court.

I haven't engaged associates yet, but Cameron Dunlop, who was Justice Paul Tottle's associate, has stepped in until the end of the year. He's helping me to get used to having a law graduate associate and helping me navigate the technology here, so thanks, Cam. And I want to thank Anne Hatten, the Chief Justice's executive assistant, for all of the work she has done, and it's a lot of work, to make this occasion come together smoothly.

Few people achieve what they want in life without the support of many good men and women along the way, and so I have some more people I want to thank. First and foremost,

I want to thank my family, my parents, Brian and Wendy. Unfortunately, neither of them can be here today. My mother has been recently unwell. My parents sacrificed a lot to make sure my brothers and I got a decent education, and they supported us through university.

My parents instilled in us a love of learning, a love of history, and I'm sure the frequent debates around the dinner table are what produced two lawyers in the family and a very clever doctor. Watching my brother Cameron debate at school fostered the same love of debating in me, and I followed him into law school and mooting, which kept me in law school. I know my parents are very proud of us all, and I'm very grateful for their unending support for me, including doing my garden for years when I knew I didn't have enough time.

The legal trend is continuing because my nephew Sebastian and his wife Caley and my niece Imogen, who are in the gallery, and my nephew Xavier are the next generation of lawyers in the family. I want to thank my husband, Glen. We met through work decades ago when he was a detective. We celebrate our 29th wedding anniversary very shortly. Two of our friends in the witness box today, Jude and Ian, came on our honeymoon with us.

He gave up being a detective when I was appointed to the bench and instead transformed the mounted unit to a frontline unit, as it remained until he retired a few years ago. I've been very lucky to have a husband who understands my work and its importance and has put up with the long hours. I won't say without complaint ever, but he has put up with it, even when he's worried about me.

Now he is a gentleman of leisure, except that he never sits still. Between maintaining our place, walking dogs, riding horses, running team ropings, running target shootings and consulting on TV series and movies and just generally being competitive with our friend Ian, he is always doing something, but he enables me to go off to work knowing that our house and our menagerie, upon whom we unashamedly dote, will be looked after and that he can look after himself too.

He supports me, and he still makes me laugh, and he still looks great in a dinner suit. His youngest daughter Rachel, who is both a daughter and a friend to me, is here today. Rachel has always been understanding and supportive and checks on our pets who love her, and house sits for us, and I thank her for helping us to get some time away

together and for always wanting me to be in her life. Our oldest, Sarah, lives in the US now with a family. She's a long way away, and we hope one day they will come home with our only grandchild, but until then, we plan US holidays.

Thank you to our friends who've attended today. I don't see you as much as I would like to, but your friendship means a lot, and I'm pleased you could be here today. There are friends here today who I did articles with at Robinson Cox. Private practice didn't suit me too much, but I did enjoy the time with you, and it's great that we still catch up 40 years later.

Private practice didn't suit me too much, but I did enjoy the time with you, and it's great that we still catch up 40 years later. But I found my feet at Crown Law Department. I was very green when I arrived there, but Helen Porter and Mike Mischin looked after me, and I got to cut my teeth prosecuting criminals who sailed at 12 knots in an eight-knot zone or parked illegally in Kings Park or caught too many abalone.

The training I received at Crown Law was brilliant and set me up for the future, and I know that Justice Archer would agree with that, and Tony Elliott, and Phil Urquhart, and Jude Taseff, and Joe Randazzo. We were all young lawyers there at the same time together. Jury trials followed, and a lot of faith was put in young counsel, and there was a lot of encouragement at Crown Law. I got to junior so many good counsel, including Michael Murray, John McKechnie, Ron Davies, Len Roberts-Smith, Michael Muller, and George Tanner, just to name a few, and from everyone I learned different things.

In 1992, I was very blessed to be chosen to join the brand new Office of the Director of Public Prosecutions, with John McKechnie as the first director. You couldn't wish for a better boss than John. He made us feel valued. He instilled in us a belief in an ethical prosecution service with a standard of excellence. If I was working all weekend, I would see him in there too, and he always knew what I was working on.

He gave me lots of opportunities, including travelling to Brisbane with him to see the High Court in action, and I juniored him multiple times, which was always a great experience. He made me a better counsel. John can't be here today because he's lecturing in Melbourne, but he emailed me to tell me that he couldn't be more proud, which

means a lot.

At the DPP, I got wonderful experience continuing to junior other more senior prosecutors in great trials, from a six-month long organised crime drug trial with 10 accused with Lindsay Robbins, to a three-month 10 accused murder trial with Kevin Tavener, and junioring Shauna Deane, the perfect trial counsel and mentor in a long, difficult murder trial. I got to work with some great detectives along the way. I married one of them. I enjoyed the long fraud trials and sexual assault trials and working directly with victims of sexual and violent crime, children and adults.

It takes a lot out of you, but it's worth it to help them through the system. The long, demanding trials also meant great juniors, including Linda Black, Sarah Linton, Anne Longden, Zoe Jenkins, Janelle Scutt, and Sharon Bowman. That teamwork of being on a trial together, whether it went swimmingly or whether you ended up being shipwrecked victims together, was one of the most rewarding things about being counsel.

Along the way, I encountered many defence counsel who worked hard for their clients, but also had balance and were good to deal with, and some of those counsel ended up my colleagues on the District Court, and some are here as counsel today. For the counsel here today, some former colleagues from DPP days, and some who have regularly appeared on the other side and then later appeared before me, I hope to still see you sometimes, but know that I always appreciated your efforts, even if I gave you a hard time on occasions.

Some of my newer District Court colleagues won't think this possible, but when I arrived at the District Court in 2006, Judge Stavrianou had been there only three months, and we were new judges together, and I valued his friendship so much over the years. I worked under four Chief Judges in the District Court, most recently Kevin Sleight and then Julie Wager, and I thank you both, Kevin and Julie, for your support and encouragement and friendship, and I am sorry, Julie. I'm sorry to finally get Judge Barbagallo as my next-door neighbour, then up stumps and leave, but you've got Judge Petrusa as your new neighbour, so that's a good swap.

I miss my associate of 19 years, Deearne Dixon, who took a leap of faith and came with me from the DPP. Dee is meticulous and a great associate, but she also became a

good friend, and I miss seeing her every day, but she now works with Judge MacLean, and she has her chums at the court, and I know she will be fine. When I was a young lawyer, judges seemed very rarefied and untouchable, but now they're just friends. When I was at the District Court, I never had an us and them attitude towards the Supreme Court or the Court of Appeal, particularly.

I'm not saying I was humbly grateful to have a sentence overturned, but I learned to be philosophical, and just accept that I wouldn't always get it right. Some years ago, when she was still at the DPP, Carmel Barbagallo called me as a courtesy to tell me that she just lodged an appeal against one of my sentences as being manifestly inadequate, and passed on a message from the then Director, Amanda Forrester, to the effect, "Tell Sweeney she has gone rogue," which made me laugh, and helped me to take it on the chin. The appeal was successful, and that was fair enough.

Even more now, I feel that all of us, all judicial officers and all counsel, work in the one system towards a common goal of justice for all, which asks us to do our best, but acknowledges that we're human beings, and when we make so many decisions in our conduct of cases, we won't always get it right, and so there are checks and balances to make sure that the system overall gets it right, as much as we can humanly achieve.

I've been asked several times how it will feel to preside over appeals from former colleagues. I just have confidence that we are all professionals. We all play our roles, and we all respect those roles. To quote from the judicial oath I took, "without fear or favour". To quote from Gwen Stefani, "I know we're cool". I am truly honoured to have been offered this opportunity to make a different sort of contribution to our legal system, and I will do my best to justify the faith that has been placed in me. Thank you very much all of you for attending today to welcome me to this honourable court.

QUINLAN CJ: Thank you, Justice Sweeney. That completes this afternoon's formal sitting. The Court will now adjourn.

AT 4.49 PM THE MATTER WAS ADJOURNED ACCORDINGLY

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