



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

MEDIA ALERT

5 February 2004

Her Honour Judge Kate O'Brien - Statement by the Hon Chief Justice David K. Malcolm AC

I wish to publicly thank her Honour Judge Kate O'Brien for her important contribution as President of the Children's Court for the past two years.

Judge O'Brien is returning to the District Court on 22 March, 2004, after completing her term as the President. The President of the Children's Court is drawn from the District Court bench and returns to that jurisdiction on completion of his or her term.

Judge O'Brien has carried out this difficult task with great dignity, compassion and fairness.

There are many occasions when a Judge is required to decide what is just, fair or reasonable. In such cases, a Judge necessarily seeks to apply basic values representative of community values. In doing so, he or she does not merely reflect public opinion, or is influenced by prejudice, emotion or sentiment.

The Judicial Oath requires every Judge to administer justice according to law, without fear or favour, affection or ill-will. Parliamentary democracy and the rule of law are dependent for their existence on an independent Judiciary.

If there are those who should question her Honour's decisions, I would simply point out some basic facts.

In the period of more than two years as President of the Children's Court, Judge O'Brien has imposed more than 700 sentences. It is remarkable, given that workload, that there have only been three successful appeals to the Court of Criminal Appeal against sentences imposed by her Honour.

Two of those appeals were by the prosecution and one was on behalf of an offender. In total, the Court of Criminal Appeal has considered only six appeals from her Honour's decisions during her term of office as President.

I have every confidence that the incoming President, Commissioner Denis Reynolds, will maintain the high standard of judicial independence and integrity set by her Honour.

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