

Law Term Opening Speech

Newcastle

3 February 2016.

Thank you Mr Cummings and Mr Fox.

I wish to begin by acknowledging the Awabagal people who are the traditional custodians of this land. I pay respect to their elders, both past and present.

I am joined today by judicial officers from my Court, the Local Court, the Family Court, the Federal Circuit Court, as well as The Lord Mayor of Newcastle Councillor Nelmes.

And of course there are many other distinguished guests in the Court today, representatives of both the legal profession and the wider community. You honour us all by your presence.

On behalf of all the judicial officers seated on the bench with me may I say how happy we all are to commence another year of dispensing justice in Newcastle. Some of us here are lucky enough to sit permanently in this location while others of us only get that pleasure from time to time.

I would like to begin by saying that whether we are permanent residents in Newcastle or only occasional visitors there are a number of features of working here which are particularly attractive.

In 2012 Judge Balla spoke of my enjoyment of the close geographic association between the judicial precinct of Newcastle and the beach. There are of course other features of being a judicial officer here which are important too.

I would like to pay particular mention of other people involved in the administration of justice in this Court building without whom none of us could do our jobs. I refer to of

course to the registry staff, the sheriffs officers, the court officers, corrective services officers and the court reporters, all of whom play a significant part in seeing justice administered efficiently. I mention the court reporters in particular because it is my experience at least that it is easy to pick a transcript prepared in Newcastle because of the small number of corrections required and because of the apparent miraculous abilities of those who are required to interpret my judicial mumblings so that they appear, at least on some occasions, to make sense.

As this is the last time that a ceremony such as this will be conducted in this Court house I thought I should take some time to reflect upon its history. I should thank the staff of the Newcastle Library, in particular the Local Studies section, for assisting me in gaining an understanding of the history of Newcastle Court house.

Parts of this Court house are beautiful. Parts are not. Indeed as we all see, when the Newcastle Herald reported on the extension to the Court house in which we are now sitting it had to demonstrate a great deal of cleverness before it could use the words “the Sydney Opera House” and “the recent western extension of the Newcastle Court house” in the same sentence.

Before we get there however we have to start way back in 1804. As one might imagine, given that most of the first white settlers were convicts, in the early years of the white settlement of Australia discipline was a bit of a problem at times. Thus in March 1804 after what was described, no doubt unfairly, as “The Irish Insurrection” Governor King decided to separate the worst of the insurgents from their fellows and banish them North to the Hunter River. The new settlement was named Newcastle. Getting the worst of what was already a pretty unlawful lot was not the most auspicious of beginnings for what has become one of the loveliest parts of Australia.

Justice had to be administered from the very beginning of the settlement in Newcastle. From 1804 to 1823 Government House at the higher end of Watt Street served as the place for the hearing of criminal cases.

The very first dedicated Court house, known as Sessions House was erected in 1822 on Watt Street. No doubt the Court was busy in its early years but things must

have got a bit easier in 1824 because most of the convicts were sent from Newcastle north to Port Macquarie. No doubt Judge Ellis, who is sitting in Port Macquarie. Is dealing even today with the ongoing consequences of that decision.

Another Court house, this time on the corner of Hunter and Bolton Streets, was opened in 1841. It operated for 50 years until, as the Newcastle population approached 50,000; the government decided that Newcastle deserved a new Court house. And so it was that in February 1892 the new Newcastle Court house, the central part of the Court complex in which we now sit, was opened.

As some of you know, in the early stages of my career I had a job at 25 Bolton Street working for what was then called Sparke Helmore and Withycombe. So it was with some pleasure that I discovered that among the solicitors in Court for the opening of the new court was William Sparke himself.

The Court was designed and constructed in the Victorian Italianate style by James Barnett, the colonial architect at the time and was described as “the last of the great Court houses of the Barnett period”.

The reason for the choice of location was obvious, it has always been a source of pleasure to walk up Bolton Street and admire how the old part of this Court complex presents an imposing face, reflecting the importance of the work done within it. But otherwise the choice of location was not a happy one. The Newcastle Morning Herald reported what it described as a “Temple of Justice” was built over a very deep pond. No doubt this is at least part of the reason that many of you appearing in court find things a bit stuffy and stifling from time to time.

There have been of course a number of extensions and additions over the years. The Eastern wing was opened in November 1949 and was renovated in the late 1970's.

The Western extension, including the Court in which we now sit was built in 1965. It was here, as I mentioned earlier, that a reporter from the Newcastle Herald used great skill to enable a comparison between this Western extension and the Sydney

Opera House by noting that the extension was the first building in Newcastle to use pre-cast concrete sections, a method of construction which was used in the extension's more attractive cousin on Bennelong Point in Sydney.

The article noted that the main façade of the extension facing Church Street is "strong and severe, almost harsh in geometrical pattern of smooth concrete and deep shadows". Many of us would prefer the description given by another reporter from the same newspaper "the building looks nothing more than an organised square heap of concrete slabs". The same reporter in what was clearly a case of naked self interest, spent 3 precious paragraphs complaining about the seating constructed for the newspaper court reporters.

There were further renovations in the 1980s and of course repairs were needed after the earthquake in 1989. There was another set of renovations in 1997 but from here it seems that the building has unfortunately been allowed to fall into something of a state of disrepair. No doubt this is because of what had been for some time the uncertainty about whether to further renovate it or to move.

In many ways it is a great shame that we won't be here next year. The setting of the Court house at the higher end of Bolton Street has emphasised the importance of justice in the community for a considerable period. Moving from this building destroys the concept of the judicial precinct, and it is a shame to say good bye to this building which has now operated as an imposing place of justice for 122 years.

So next year things will be different. There will be a new Court building with a new judge presiding. Most sadly. We will be further from the beach.

Until then all judicial officers sitting with me look forward to a productive year where we administer justice with the assistance of some of the finest lawyers in Australia.

The Court is now adjourned.