
The Supreme Court Building 1965 - 2000

Speech by Rex Wild QC on the occasion of National Trust Patron's Dinner, 8 May 2009

I acknowledge the Larrakia people and their ancestors, the traditional owners of the land. In making that acknowledgement as I do from time to time in speeches I have made over the last two years, I wonder what those ancestors would think if they could see us now – this end of Fannie Bay not much affected I suppose but the other end – where the Myilly Point Heritage Precinct stands is affected by the Casino and Myilly Apartments (in respect of the latter I make no complaint). Last year I gave talks in the Melbourne Club and also on the 14th Floor of the RACV Building in Melbourne. I made the same point there about the wonderment with which the original owners would have stared at those establishments.

Thank you for inviting me. It's always difficult to follow a really excellent speaker – you had the advantage of hearing from His Honour the Administrator last year. Two lawyers in a row seems a bit unfair on you. I know Tom Pauling was here by reason of the research I have done in preparing this talk. I thought, as a lawyer, I might talk about Magistrates House and one of its occupants Charles Ward. So I googled him, and came up with a reference to him in the speech to this gathering by His Honour on 21 June last year. So I won't talk about Charles Ward or Magistrates. In the flyer you were told you would have a *truly Territorian guest speaker*. Well, I arrived here in 1993 and was told almost immediately I could never be a Territorian. I was

neither born here nor had arrived before December 1974. The best I could do, I was told, was to achieve some kind of quasi recognition – something akin to refugees and boat people.

In any event, Lyn and I do have a real love of the Territory and two of our three children are graduates of the Northern Territory University (as it was) and living here and practising law.

I do have a keen interest in the heritage and history of the Northern Territory. A great deal of that interest has developed along with my involvement in Indigenous legal, cultural and social issues. I am conscious that there are separate responsibilities in the Northern Territory for Indigenous, cultural and heritage issues and I won't address those here tonight.

I think I should declare however, that I, as a barrister practising from Myilly Point Chambers – am a tenant of the Trust and therefore there is a degree of mutual beholding. We do have regular visitors to our premises – visitors unable to read our sign downstairs and come up for a peek. Because we are very proud of our Chambers, and keen to show them off, they are invited in. When they realise that they are in a QCs' precincts, the thought of the possible fee charged for that visit scares many of them off.

When I arrived in Darwin in 1992 to get a bit of a picture and to



Rex Wild QC

have a look at the town before accepting a job offer made at the time, I almost immediately loved what I saw. But the big drawcard was the new Supreme Court which was opened in November 1991. It was, and still is, a magnificent building and a joy in which to practice my profession.

I barely noticed then, or later, the previous Supreme Court which from 1991 onwards was slowly dying, before ultimately being put to death in 2000. At the time of course it had been the subject of an assessment for declaration as a Heritage Place. That seems to be a common denominator in respect of many of the buildings lost to us here.

The Supreme Court or Law Courts Building of which I speak lived from 1965 to 2000. The Supreme Court was conducted in it from 1965 to 1991. It also



The 1965 Darwin Courthouse Closing Ceremony

housed the Magistrates' Court for the first half of that period and, in fact, until October 1986.

The Supreme Court building (or Law Courts Building as it was also known) was conceived with great care and had a gestation period of nearly 11 years. No shot gun wedding was required here. It died slowly over a similar period. The Trust has commissioned an historical research report by Mickey Dewar on the Court and it is hoped that that will be published in the near future. I have seen a draft of it and it is a great record of the Court and I recommend the final product to you. Some of what follows comes from its pages. Some clearly doesn't.

I need to take you back slightly. From 1911 until 1942 the Supreme Court was located at the old stone Court House erected in 1884 on the Esplanade overlooking the Wharf area (and now the Office of the Administrator). After Darwin was bombed in February 1942, the administration of the Northern Territory moved to Alice Springs with the Administrator living at the residency there. When the Court returned to Darwin after the war concluded, it was

necessary for a new home for the Supreme Court and lower Courts to be found. In about 1947-48 a temporary arrangement was initiated and the Law Courts in Darwin ended up camping in three former military Sydney Williams' Huts on the Esplanade between Knuckey and Peel Streets. That *temporary* accommodation was used for the next 20 years! Even so by 1954 the site was needed for new hostels in that area. The site for the new Supreme Court building was approved on 26 October 1954. In case you are not sure that site was on the corners of Bennett, Herbert and Mitchell Streets; that lovely piece of green grass there, which has existed since 2000.

The site had been chosen and the political will was there but even so 11 years must have seemed a long gestation period for those persons working from the corrugated iron of the Sydney Williams' Huts. The Assistant Secretary of the Attorney-General's Department was one C.M.Toop. He made a verbal submission to the 1955 Commonwealth Parliamentary Standing Committee. He had not been to Darwin. Nevertheless he felt qualified to talk about it and

all its wonders. He described the Magistrate as a *pooh bah in the Northern Territory*. He holds a great many official positions.

The building even in its early stages had a lot of support. Prime Minister Bob Menzies in May 1955 noted:

I would like it put on record that, in my opinion, the present Supreme Court building is quite unsatisfactory and I think that the construction of a new building is a project which should receive some degree of urgency

(Which of course it did; eleven years worth!)

The building was opened on 16 June 1965 by the then Attorney-General Billy Sneddon QC. The first hearing took place the following day. It was said to be the first prestige building constructed in Darwin and proved that quality construction could be carried out in the Northern Territory. There was one marvellous moment during the opening. You might remember there was a wrought iron sculpture which was placed on the major façade of the building. It is now upstairs in the current Court near Court 11. It showed a figure weighing the merits of the supplicant before him, with a hand outstretched to the heavens. Its effect was somewhat spoilt when the curtain was opened and the majesty of the occasion was lessened; the hand was seen to hold aloft a beer can.

But it became apparent almost immediately after its completion that the building was simply too small. Even allowing for the fact that at the time there was only one Judge and one or two Magistrates, the number of courts available was clearly insufficient to deal with the press of justice. Of course the number

of judges and magistrates was to increase exponentially over the following 20 years or so. However, despite the pedestrian nature of the correspondence arguing endlessly for more space in the building, Canberra's communications at about this time mysteriously focussed upon *gothic rumours* of prisoners held in dungeons beneath the court, who were brought up to face trial through a trap door. There were of course no dungeons and no trap doors as the most casual search might have revealed. Once again the Berrimah line or Tropic of Capricorn intervened so that Canberra didn't know what was happening.

Cyclone Tracy caused a great deal of damage to the court. A Magistrates' Court had been completed on a site on the Esplanade immediately prior to the cyclone but was demolished. Back to square one you might say. Ian Barker QC inspected the damage to the Court after Cyclone Tracy. He discovered on the bench in one of the Courts a dead bush turkey lying on the Judge's bench. He remarked afterwards.

I was pleased to see that little had changed in that court. Every time I had appeared in it up to that time there was always a turkey on the bench.

The deficiencies of the Law Courts building had already been apparent before Tracy. After the Cyclone the thought of new dedicated Magistrates and Supreme Courts buildings was inevitable. By 1984 work on the new Magistrates' Court was well underway and it was opened in 1986. The new Supreme Court building opened in 1991.

The Court continued a life, however, after 1991 and for the next nine years was used

as Federal Court buildings. That included the Family Court (perhaps some of you present here availed yourself of its services) and it also was used for other Federal Court business. I am aware that the full Federal Court (three judges) came up to deal with some appeals in the late 1990s) and I appeared before the High Court on a video link in the Number One Court of that building.

The Court of course was famous for a number of things. I won't dwell on the *Chamberlain* case but that is one with which you will all be familiar.

I will share this comment on the Court which appeared in *Evil Angels*, by John Bryson.....the fiction story of the Chamberlain trial.

The new court-house is handsome. It is only two storeys high, hard-edged and modern, but tall fluted columns and dark glazing convey well enough that the rooms inside are chambers of judgment.

There were also some other rather nasty murder cases dealt with in that Court and, of course, myriads of Magistrates' Court matters were litigated. I have been told a story by my friend Suzan Cox QC about a matter in which she appeared against Jack Karczewski QC, sometime in the late 80s. It was a bail application. Mr. Karczewski was carefully reading out many of the allegations which were being made against the accused in the dock. He was an Aboriginal man. He got very upset with this and picked up the speaker microphone which was next to him and threw it at Mr Karczewski. Jack saw it coming and ducked and Suzan copped it full on the head.

You will remember that opposite that court was the Darwin Hotel and its famous Green Room. It was common in those days, when a jury went out for its deliberations, for counsel (that is both the prosecutor and the defence) to buy a couple of cartons from the Green Room and drink them together while waiting for the verdict. There was one particular occasion when the verdict came very late at night, close to midnight. Most of the carton(s) had been consumed. The jury could not agree on their verdict. Sir William Kearney, who was presiding, looked down at the prosecutor and said

In those circumstances no doubt there is a question of bail to be determined. What do you say, Mr Prosecutor?

The prosecutor got very carefully but unsteadily to his feet and said

Uh uh uh u duh err....

The Judge responded

I take that as consent to bail.

The architect Adrian Welk had called this building

Darwin's finest example of a late 20th century stripped classical building

It was said to be a *building of monumental character and the finest example in Darwin of international style architecture adapted to the hot – humid tropics*

But now it's gone.

We have lost a number of our historic buildings over the years with destructive cyclones in 1937 and 1974 and the bombings of 1942. What nature and the enemy have failed to destroy, our own government have removed!! ☹