

Remarks at ceremonial opening of the Christchurch Court

31 January 2018

The Hon Justice William Young*

E te Kaiwhakawā Matua, tena koe
E te iwi maioha o tenei rohe, tena koutou
Otira, te hunga ora e huihui nei
tena koutou
tena koutou
tena koutou katoa

The first court in Canterbury was convened on 11 August 1840. It was at Green's Point in Akaroa Harbour, just south of the current town and where the Britomart memorial stands today. Presiding were Messrs Murphy and Robinson, the two magistrates who had been appointed to exercise jurisdiction in the South Island. There was, of course, no building; illustrating the reality that the operation of a court does not require a grand setting. Indeed, as it turned out, the absence of a building was of no practical moment because there were likewise no cases. So, sovereignty having been asserted, the court adjourned.

Comparatively little judicial work was required in Canterbury until 1850 with the first session of the Supreme Court not being held until 1852. Presiding on this occasion was Justice Stephen. He sat in a temporary school room in Lyttleton. Subsequent hearings in Lyttleton were in the Immigration Barracks. The first sitting in Christchurch was in February 1857 in the Town Hall. On this occasion, the Judge was Justice Wakefield.

Construction of a dedicated Supreme Court commenced in 1869, with the building, not quite complete, being first used in 1869. The handsome bench and canopy were, as I understand it, gifted by the City of Nottingham. This is suggested in *Portrait of A Profession*. There is said to be a brass plaque on the back of the structure which will soon be revealed and presumably will record its provenance. There were extensions in 1874 and a library was added in 1896. The Magistrates Court building was constructed on the site in 1880 and was added to in 1908.

The Supreme and Magistrates' Court buildings which emerged from all of this were not unattractive in terms of external appearance. As well, the No 1 Supreme Court was an impressive courtroom, very much in the grand old style - and the Law Library was simply splendid.

More generally, however, the court buildings, were far from satisfactory places in which to work and there were many associated complaints. Thus *The Press* of 21 April 1938 noted that they were "cramped, inconvenient, poorly furnished and wretchedly ventilated". This article was prompted by the laying of a foundation stone for a new court building, an event which occurred on 20 April 1938 and at the same time as the New Zealand Law Society Conference was being held. This was a grand occasion. Amongst those present were Lord Galway, the Governor-General, Rex

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Mason the Attorney-General, the Chief Justice, Sir Michael Myers and Justices Kennedy and Northcroft. The latter three were in their scarlet robes, which attracted some interest as it was the first time that judges so attired had been seen outside Wellington. As a matter of interest – at least to me – also present were my grandfather, Harry Young, a stipendiary magistrate, and my father, then a youngish lawyer.

The building proposed was of modern design, which was said to “harmonise with the classic and gothic buildings in the vicinity”. It was to be faced with white marble. The intention, as explained by Mr Mason, was to meet the needs of the community for at least 75 years, but with the Second World War intervening, construction never started.

The next Law Society conference in Christchurch was held in 1957. At this conference, my father, then a not quite so young lawyer, referred to what he called the “pomp and circumstance” which had surrounded the laying of the foundation stone and the nineteen years which had subsequently elapsed without progress, save that the foundation stone had been encased in metal to protect it from the elements. He referred pejoratively to the Supreme Court as an “edifice” which leaked and was cold and draughty.

The limitations of the building became even more apparent when, from the late 1950s, a second Supreme Court judge became resident in Christchurch. A small No.2 court was created upstairs as was a second set of chambers. There was no lift; not an inconsiderable problem when the judge who occupied them had an extremely painful and limiting hip condition - and in hot conditions, the second court was almost intolerable.

Planning for a new court complex started in 1966-67, but this was a stop-start affair with a number of interruptions and changes of thinking. Improvisation was required. From at least the late 1960s and perhaps earlier, the Magistrate’s Court, and very occasionally, the Supreme Court, made use of the Provincial Government Buildings. In the early 1970s, the Society of Arts building on the corner of Armagh and Durham Street was converted, with two courtrooms being created for the use of the Supreme Court with the old caretaker’s white cottage at the back being used as the chambers initially, I think by Justice Macarthur. The old Supreme Court building was still used occasionally when more than two courtrooms were required and I can recall appearing in it on a few occasions in 1975.

A little later, in the 1980s, the High Court and Family Court had some far from satisfactory facilities in a building on the western side of Durham Street.

Of the buildings planned for construction in the late 1960s, the first to be constructed was the administration building which was completed in 1978 and which also housed the Law Society Library. Finally, in 1985 the decision was taken to locate the High and District Courts in a single tower block. This was opened in 1989 and it housed the courts until late last year.

The tower block had advantages over what had gone before; the courts operated, and judges were able to be accommodated, in what, in conjunction with the old Magistrates’ Court and the Society of Arts’ buildings, could be regarded, perhaps loosely, as a single location. The court rooms were modern and there was a reasonable security where required. Circulation areas had been properly thought through. As well, the No.1 High Court was built on a scale which enabled the old

bench and canopy from the 1869 building to be used and for the portraits of former judges to be appropriately hung. It was courtroom in which I enjoyed appearing and sitting. Further, the building was strongly constructed and thus stood up well to the earthquakes.

There were, however, some major difficulties. Perhaps the most significant of these was that space was limited. This was obvious from the start and was noted by Chris McVeigh QC, then president of the Canterbury District Law Society at the time of the building's opening. Space limitations meant that facilities for counsel, witnesses, parties and jurors were limited. From the point of view of judges, the vertical way in which the building was organised was awkward and impeded collegiality. High Court chambers were spread over four floors. It was quite a claustrophobic place in which to work.

The lot of court designer is not an easy one. Of the 1869 design, a member of the then Provincial Council described the building as a "double distilled atrocity". At its opening, its architect, Alexander Lean – who was also a well-known musician – fishing for compliment asked Justice Gresson what he thought of his "symphony in stone". The Judge replied dismissively, "Too many crotchets in it".

So it is today.

When the plans for this building were first published and open for consultation, I asked one of the local district court judges what he thought of them. He was not impressed. He said, "It's light and airy. But I didn't want 'light and airy', I wanted 'dark and scary'." I am old enough to be sympathetic to this view point. I was, as will be apparent, very comfortable in the old number one court, with the portraits of past judges of the past on the walls and sitting on the bench which, by the end of last year, had been in use for nearly 150 years.

My friend's contrast between "dark and scary" and "light and airy" is a caricature of two views about court design: one emphasising the projection of authority; the other focusing on the experience of court users, which include, but are not confined to, judges and lawyers.

My take on all of this may seem a rather limited: it is now primarily that of an occasional user of spare chambers and associated facilities on the fourth floor. I have, however, a particular longitudinal perspective reflecting the fact that I have appeared as counsel in the 1869 building, the Magistrates' Court as built in 1880 and extended in 1908, the Society of Arts' building, various court-rooms in the Provincial Council Chambers, the Durham Street building and the tower block in which I also sat for six years. The reality is that since at least the 1930s until the opening of this building, those administering justice have had to operate within the constraints of buildings which were not fully fit for purpose. This was significantly exacerbated by the disruptions caused by the earthquakes. So despite this building being light and airy and thus largely eschewing tradition, it is incommensurably better suited to the administration of justice than anything that has gone before. Accordingly, I see this opening as an occasion for great celebration.

No reira
tena koutou, tena koutou, ara tena tatou katoa.
