

Speech of the Chief Justice of New Zealand, Dame Sian Elias at the opening of the Supreme Court of New Zealand, 18 January 2010.

E nga mana, e nga reo, e nga rau rangatira
Tena koutou katoa.

Your Royal Highness, Tena koe. You are warmly welcome indeed. We are deeply honoured that Her Majesty the Queen has wanted to be represented on this occasion. And that she has taken the trouble to send someone as close to her.

Her Majesty has shown interest in the Court from its creation. Then she sent to us a magnificent silver inkwell, part of the Royal Treasury. Two such inkwells are placed before the Judges of the Privy Council whenever they sit to advise the Monarch on petitions for justice, as they did on appeals from New Zealand for 165 years. The display of the inkwell in this new courtroom symbolises links that endure and a heritage of which we are proud. Your presence here today representing her Majesty reinforces both.

In this courtroom the Queen's inkwell is matched with a beautiful wakahuia kindly lent to us by Te Papa. The wakahuia is thought to date from the same time as the inkwell which, by British reckoning, is from the reign of Queen Anne. It is likely that the tangata whenua of this region, Te Atiawa, whose taonga it is, would date the wakahuia in some other way since the first British monarch of whom they became aware was George III. The two taonga represent the two strands of our original heritage

Your Royal Highness has already had experience of Wellington in winter. But when the programme for this visit was settled we had no idea that a January visit would present winter challenges. You have however had opportunity to understand why counsel appearing in the Supreme Court are expected to fly to Wellington the night before their appearances.

Your Royal Highness, we are grateful to you personally for travelling so far to open the Court as the representative of the Queen. We know that your own obligations mean that this journey must be brief and that it will be exhausting. We appreciate very much your undertaking it.

This is an occasion which is important for New Zealand. Our constitutional arrangements are slightly mysterious. But their principal working parts are three: first, the Sovereign in right of New Zealand and the House of Representatives (which together constitute the Parliament); secondly, the Queen's Ministers; and lastly and fulfilling an auxiliary role compared to the more dynamic elements, the Queen's Judges. All three institutions are represented at this opening. A home for the Supreme Court, the final court of New Zealand, is an acknowledgment of the place of the courts in the constitution.

The Supreme Court, like any Court, is not a building. Nor is it simply made up of the Judges and court staff who occupy office today. They serve an idea which is greater than the sum of the built and living parts of today's Court. It is the aspiration of justice under law, which prompted the creation of the Court. And it is in response to the aspiration that this government, the government that preceded it, and the people of New Zealand they represent have incurred the substantial cost of providing a permanent home for the Court, within the government precinct in our capital. That this cost has been undertaken at a time of financial strain is a measure of the value placed on our institutions. It is trust by the wider community of which the judges of the Court are conscious and deeply appreciative.

It is probably forlorn to try to dispel the persistent myth that the building was demanded by judges insistent on private gardens, who measure their status in terms of the square metres assigned to their offices, and who are keen on architectural flourishes. But it is not true and it demeans the spirit in which this work has been undertaken. In reality, a permanent home for the Court was not something the judges appointed to the court had any right to expect within our professional lifetimes. (It took 150 years before the United States Supreme Court was permanently settled and 70 years before the High Court of Australia was housed on the shores of Lake Burley Griffin in Canberra.) The judges had little to do with the decision to build the court and the form it has taken. The decision to go ahead with the project was prompted both by the Government's wish to acknowledge a new and important institution in the life of the nation and the opportunity it saw to rescue the Old High Court Building. The government and its architects were building for the future and for the nation in preserving an important part of our built heritage and in honouring the final court.

Ministers and all who have worked to bring the project about must be congratulated on the result. They include the Secretary for Justice and the managers of the Ministry of Justice, the engineers, the specialist tradesmen, and the construction workers. Their enthusiasm for the job has been infectious. And no wonder. The old High Court Building is meticulously restored and reclaimed for the enjoyment of future generations. The new courtroom we sit in is stunning. The imagery it invokes speaks of our country. The working spaces beyond the courtroom are beautiful and calm. Although opinions may at first be mixed on the external screen around the building with its references to pohutukawa and rata, most of us behind the screen find its embrace loving. Outside, it may not be seen to full advantage until set off by the shimmer pool when it is filled, as the architect intends. Altogether, this is a confident building which looks with optimism to the future of the Court within our society. The building challenges all who work in the Court to fulfil the aspirations for justice with which it was set up.

At the first sitting of the Supreme Court in 2004 I said that the feeling of the Judges appointed to the Supreme Court was not one of exultation. Nor is it today. Rather, the Judges have a sober appreciation of the task entrusted to the Court and the need to respond in their work to the expectations with which Parliament decided to bring our final appeals home. Those expectations are of better access to justice and of a court system responsive to our distinctive heritage and traditions but with our own voice. The aspiration for the delivery of justice which lies behind this building is an aspiration which has been with us in New Zealand from the very beginning. Nearly 170 years ago at Waitangi much of the debate was about law and justice. I doubt whether any country was founded with such expectations for law as ours. Such shared expectations are sometimes disappointed but over the long haul they are shared values which bring us together as a people. In this court the hopes of the people who have gone before and those yet to come can be felt. May we in our time work to fulfil those hopes here.

It is now my great pleasure to invite the Prime Minister, the Honourable John Key, to speak for the Government.