

## HISTORY OF THE SUPREME COURT OF WESTERN AUSTRALIA

The current Supreme Court of Western Australia has been a working courthouse on this site for more than 100 years. During those years, the major criminal and civil cases of Western Australia have been decided within these walls. In fact, justice has been dispensed from this precinct since the early days of the colony.

### THE EARLY YEARS

The first courthouse built in Perth still exists next door to the current Supreme Court building. It was completed in 1837, and operated as the Court of Quarter Sessions from its opening till 1856, dealing with civil and criminal matters.

During those years, life in the young colony was tough, and the workload for the Court demanding. It was reported by a Perth newspaper that in 1841, an 18-hour criminal trial had ended at 3am -- after the prisoner had roused the jury so they would listen to his defence. It seems such late hours were not unusual with the criminal court rarely adjourning before 10pm.

Built by Henry Revey, the 1837 courthouse also served as a church, school and meeting place. Today, this heritage-listed building has a new but equally important role as the Francis Burt Law Education Centre. It is well worth a visit.

In 1856, the Court moved to premises above the new gaol, facing Beaufort Street, Perth, where The West Australian newspaper later reported, "the windows looked down into the quadrangle where malefactors were executed."

### SUPREME COURT CREATED

In 1861, the Supreme Court came into existence with the amalgamation of the Civil Court and Court of Quarter Sessions. Chief Justice Archibald Burt was appointed as the first Chief Justice.

The Court sat at the Perth Gaol until 1863 when it relocated back to the old Revey courthouse. Chief Justice Burt must have regretted his agreement to return after he was reportedly forced to sit in court with an umbrella over his head while rain poured in through the leaking roof. Conditions in summer were no better as those inside the courthouse regularly sweltered. A concession to the heat was made with barristers being permitted to remove their wigs.

The Court operated at the old courthouse for 16 years before moving to the former Commissariat Store on this current site. Working conditions in the former store were also difficult, with complaints continually being made to the Legislative Council.

In 1883, one Member of Parliament claimed that the courthouse was so uncomfortable:

"The atmosphere in the Supreme Court last Friday was of the chilliest description...That most courteous of officers (the Sheriff) at once directed the caretaker of the Court to pile on the agony in the stove, in the shape of kindling a roaring fire to create a comfortable temperature. Mr Regan, as in duty bound, did as he was requested but the result was that the smoke poured out of the doors of the room in such volumes that when the Chief Justice entered the Court after the adjournment lunch, he had to grope his way through dense fog to his seat."



## A NEW BUILDING

Debate continued in Parliament throughout the 1890s on whether new law courts were needed, and if so, how much should be spent on the project. In 1898, the Leader of the Opposition, George Leake, told Parliament that the jury room was so badly constructed that their deliberations could be overheard, and that the building was so cold that he had often seen judges shivering, wrapped up in their own rugs to keep themselves warm.

The following year, a joint parliamentary committee formed to consider three possible sites for a new court – a site in Irwin Street, one in St George's Terrace occupied by the old Government Boys' school, and the current court site, while planning commenced behind the scenes. Finally plans were announced to the public in March 1901.

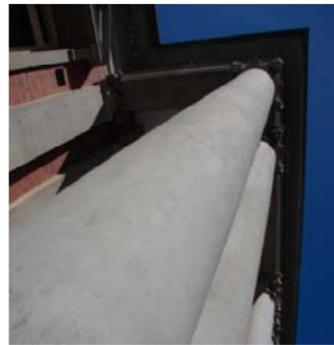
The government decreed that the building would be constructed entirely of local materials, including the use of polished jarrah, Donnybrook stone and Meckering granite. The contract was awarded to RP Vincent and Sons in February 1901 for a contract price of £55,888.11.3.

## ROYAL COMMISSION

Difficulties soon arose when work commenced for the new court building. The main problem lay in the use of Donnybrook stone as the building design required the stone to be of uniform colour and texture. As quarrying proceeded in early 1902, it became apparent that the necessary stone could not be found in sufficient quantity for the work.

As a result, it was decided to substitute the latest technology using stucco and cement instead of the stone. Much criticism followed, particularly in the newspapers, and a Royal Commission was called to report on the matter. By April, the Royal Commission recommended in favour of the stucco and cement substitution. With this issue decided, the foundation stone was laid on 2 June 1902.

Further funding issues arose and led to at least two modifications to the building. A slate roof was specified, but was substituted for a galvanised iron roof, reducing the contract price by £5,425. The builder was asked to complete six months ahead of schedule, but this was not enforced. The other modification was the decoration of the foyer. Instead of the paint work reflecting the colours of the glass domes and highlighting the stained glass, the foyer was white washed. The foyer was finally redecorated as Chief Architect John Grainger originally planned to commemorate the building's centenary in 2003.



## GRAND OPENING

The grand official opening took place on 8th June 1903, just one year after the laying of the Foundation stone, with a ceremony in the entrance hall and main foyer. The newly-arrived Governor, Sir Frederick Bedford, who was presented with a symbolic gold key to the building, opened the building. The key was of massive gold, engraved on the handle with the British and Western Australian coats-of-arm in shields, supporting a third shield, bearing a figure of Justice with the scales of justice and sword. Underneath the shields were the words "Fiat Justitia" (Do Justice). On the reverse were the words "Supreme Court of Western Australia, June 8 1903, Sir E A Stone, Kt, Chief Justice."

The Governor passed the key to the Chief Justice Sir Edward Stone. The Chief Justice said:

"The bringing together of the various courts and law offices under one roof could not but conduce to the speedy and efficient administration of the law....We wish that the building might contribute in the minds of all a care for justice and a feeling of security in the parity of its administration."

Governor Bedford said the building would "allow judges to administer justice with patience, impartiality and fearlessness which had characterised the British bench in all parts of the world."

Justice Robert Burnside was unable to attend because of scarlet fever. All the members of the Court were fully robed. The Premier who was also the Attorney General, Sir Walter James KC, wore his formal levee costume with full bottom wig and the Sheriff, Octavius Burt, was described as "conspicuous" because of his dangling sword.

The West Australian complained about the substitution of cement for stone and the galvanised iron roof "with its staring coat of white wash".

A ceremonial sitting was then held by the Full Court comprising Chief Justice Stone and Justices Parker and McMillan in the presence of a large gathering of members of the Bar led by Walter James in his capacity as Attorney General. The Chief Justice said that the Judges:

"... were indeed fortunate in being in possession of a building worthy of the name which it bore, and in keeping with the important and responsible duties that they had to perform."

Journalists, however, complained about the acoustics saying that they were very bad.

The building has stood the test of time. It has been identified as of exceptional cultural heritage significance in the City of Perth and the State, both for its representation of the role of law and the administration of justice and as an example of public architecture of the period. The Court and the Supreme Court gardens have been classified by the National Trust of Australia and entered on the Heritage Council of WA's Register of Heritage Places and the Register of the National Estate.