

## **BICENTENARY OF THE SUPREME COURT OF TASMANIA**

### **Speech delivered at a ceremonial sitting of the Supreme Court of Tasmania on 10 May 2024 by The Hon Alan Blow AO, Chief Justice of Tasmania**

I begin by acknowledging the traditional owners of the land on which the Hobart buildings of this Court stand, the muwinina people. Tragically they have no known living descendants. I acknowledge the palawa people, today's Tasmanian aboriginal community, and pay my respects to their elders, past, present and emerging. Thank you very much Dewayne Everett-Smith for your Welcome to Country.

I would like to welcome all the visitors who have come here this morning. There are too many distinguished visitors for me to acknowledge all of them individually, but I particularly welcome four visiting Chief Justices – Chief Justice Grant from the Supreme Court of the Northern Territory, Chief Justice Ferguson from the Supreme Court of Victoria, Chief Justice Bell from the Supreme Court of New South Wales, and Chief Justice Mortimer from the Federal Court of Australia. I am very pleased that you have all made the journey to Hobart for this significant occasion.

I also welcome two of my predecessors, the tenth Chief Justice of Tasmania, Sir Guy Green, and the eleventh, the Hon William Cox.

Her Excellency the Governor and Chief Justice Gageler, the Chief Justice of Australia, are both unable to be with us this morning, and both have sent their apologies.

Today marks the 200<sup>th</sup> anniversary of the first sitting of the Supreme Court of Van Diemen's Land on 10 May 1824. On that day it appears that the proceedings commenced with the first Registrar of the Court, William Sorell, reading aloud the Charter of Justice of 13 October 1823 by which the Court was established. My predecessor Chief Justice John Pedder admitted four gentlemen as practitioners of the Court; the Registrar, the Solicitor-General and the Attorney-General swore the appropriate oaths; and that was the extent of the proceedings. The Hobart Town Gazette reported that "The deep interest excited by the opening of a Court of Judicature, with competent power in criminal as well as civil causes, was evinced by the Court being crowded upon this occasion with the most respectable inhabitants of Van Diemen's Land." It is gratifying to see so many respectable inhabitants here this morning.

Hobart Town had been established 20 years previously. By 1824 it had a white population of about 12,000. About 6,000 of those were convicts serving sentences.

A new court building was erected at the corner of Macquarie and Murray Streets, across Murray Street from the original Hobart Gaol. That building was used by the Court until 1860. It is still standing, forming part of the Treasury Buildings. There is nothing there now to indicate that it was once a free-standing courthouse. It ceased to be used after criminal courts were established on the Hobart Penitentiary site in Campbell Street and new civil courtrooms were established at the other end of the Franklin Square complex, adjacent to the park.

In 1824 Van Diemen's Land was still part of the colony of New South Wales. Although the new Court had full civil and criminal jurisdiction, the *New South Wales Act* 1823 required criminal cases to be tried by a judge with a jury of seven commissioned officers of His

Majesty's Sea or Land Forces. The establishment of the Tasmanian Parliament was still 32 years away. Even when it was established in 1856, no women had the right to vote, nor did many men.

Over the last 200 years, Van Diemen's Land has made the transition from being a remote part of a penal colony in the empire of a distant motherland to being a State in an independent nation with a democratic federal system of government and an independent judiciary. Throughout those 200 years there has been widespread respect for the rule of law, without which our society would not function.

The Court is greatly indebted to Justice Stephen Estcourt, who has written its history. His book, *From Convicts to Computers: Two Hundred Years of the Tasmanian Supreme Court* is being published today. It will be launched after the Court adjourns and refreshments are served.

The Court has a proud history, although it must be said that some of the changes over the last 200 years could have been effected earlier. Juries of civilians did not replace juries of military officers until 1840. Legislation allowing women to practise law was enacted in 1904, but it was not until 1935 that the first female legal practitioner was admitted. Women were permitted to volunteer for jury duty from 1939, but it was not until 1959 that the first female juror was empanelled. The first female judge, Justice Shan Tennent, who is here today, was not appointed until 2005.

Purely by chance, the first sitting of our Court took place seven days before first sitting of the Supreme Court of New South Wales. It will be celebrating its bicentenary next Friday, 17 May. Although Chief Justice Gageler has been unable to attend today, he has posted the following message on the High Court's website in relation to the two Courts:

"Letters Patent pursuant to the *New South Wales Act 1823 (Imp)* explained their establishment to have been for the "better administration of justice" and "more effective government" in the colony then known as New South Wales. Their establishment furnished the stable legal foundation for the ensuing creation and development of institutions of representative and responsible government in New South Wales and Tasmania. Their foundational roles were expanded when each took its place as one of six State Supreme Courts within the indissoluble system of national government agreed to by the Australian people and established by the Australian Constitution. Their nationally expanded roles endure. They have facilitated the realisation of Alfred Deakin's prediction in 1902 that "the natural development of [the Australian] judicial system" would make the unity of our courts "more pronounced, and the gradation more perfect". The Australian judiciary, as a whole, joins with the Supreme Court of Tasmania and the Supreme Court of New South Wales in celebrating this significant milestone in our shared national journey."

Over two centuries this Court has grown and developed in parallel with the growth and development of the Australian judiciary, the Tasmanian population and modern Tasmanian society. We have made the transition from quills, parchment and javelin men to computers, audio-visual links, and security screening systems. There have been legal and political controversies along the way, but respect for the rule of law and Tasmania's independent judiciary has been reasonably constant throughout that journey. The ways in which the Court functions today could hardly have been foreseen 50 years ago, let alone 200 years ago. It seems likely that the pace of change will continue to accelerate, as the Court continues on its journey into its third century. I think we can be confident that the Court will meet the challenges.