

IN THE SUPREME COURT
OF NEW SOUTH WALES
COMMON LAW DIVISION

S.G.CAMPBELL J

MURWILLUMBAH: MONDAY 8 OCTOBER 2012

HIS HONOUR: Before I ask for the matter for hearing to be called I wish to say that so far as the Court can ascertain, and I regard its sources as impeccable, this is the first occasion on which the Supreme Court of New South Wales has sat in Murwillumbah and I thought it appropriate to make a few remarks about the history of this rather splendid Courthouse.

The records show that in 1869 a Court of Petty Session was proclaimed for the district, although it is not quite clear where the Court sat in those early days because a Courthouse was not erected on this site until 1877. It appears that it was not a very satisfactory structure and in particular it had no rooms for witnesses or for the legal profession when the Court was sitting. Indeed, in the 1880s a local journal of record, the Clarence and Richmond Examiner reported that as the Murwillumbah Court House was not provided with a verandah, witnesses in waiting were exposed to all manner of weather. The local concern about that must have been heard because on 1 June 1987 the responsible Minister, then a Mr Burns, reported to the Legislative Assembly of New South Wales that a planned extension had been prepared and was being considered.

It seems then, as now, those type of considerations were better had in the maturity of the fullness of time because it was not until 29 September 1906 that the Brisbane Courier, as it was then called, reported that the extension was nearly complete, and indeed a room for witnesses and for lawyers had been provided in the enhanced structure.

I might observe that the same correspondent wrote in the same piece that "this district never looked better. Pastures are carrying an abundance of feed and the stock generally are in splendid condition. Many fine paddocks of clover are to be seen and a few cases of Hoven are reported". I might have to call upon the grazier barrister here present, Dr Morrison SC, to tell me what Hoven is. But the correspondent also added that "rain has been frequent of late." I interpolate that perhaps some things never change, because he concluded this report by remarking "the farmers would now welcome a spell of fine weather."

However, the newly expanded Courthouse did not have a long career because in 1907 a fire swept through the town and destroyed much of that structure. Some sources report that that the Courthouse was untouched by the fire but the opportunity was taken to make a case for something rather better than that which had stood here previously, and so in 1907 and 1908 this, as I have said, splendid structure was erected in what is called the Federation Free style.

Anyone can appreciate its fine features so typical of the style, including its rough, rendered exterior walls with contrasting face brick arched window opening. One looks up from the court itself to see the wonderful pressed metal ceiling and ornate joinery which have been carefully maintained in lovely condition, and which are a feature of architecture of the time.

Having said that I need to record that the new building was not to everyone's taste because when the first sittings of the District Court of NSW were held here on 13 May 1908 his Honour Judge Gibson was very displeased with the accommodation that had been provided and ordered that the sittings should adjourn to the local Council Chambers, a phenomenon that those of us who practiced in the former Workers' Compensation Commission before 1984 will well recall.

The Sydney Morning Herald reported on 5 May 1928 that the then resident police Magistrate, Mr Geikie, was promoted and was being transferred to the City of Tamworth on the other side of the ranges. A local practitioner of note, Mr A A Hynes of the firm Hynes and Elliott spoke on behalf of the profession on that august occasion. That was not the only time that Mr Hynes featured in the newspapers.

On 26 May 1932 he was reported as having appeared for the family of a John Westwood on an inquest into his death. It was suspected that Mr Westwood had been poisoned by arsenic. His son Noel was the chief person of interest to the local police. One wonders about the rules relating to professional conflict of interest in those days, given that Mr Hynes appeared both for Noel and for the other members of the Westwood family at the inquest, particularly as it seems that Noel was duly committed for trial in the Supreme Court at Lismore. So far I have not ascertained Noel's fate.

The District Court continued to sit here hearing jury trials up until the 1980s when the last of them was held in this Courthouse and since then jury trials have been held in the City of Lismore. The Compensation Court of NSW continued to hear cases here until its abolition earlier this century. Now only the Local Court of NSW sits here, until today at any rate.

The Supreme Court of New South Wales, as is well known to the profession, was established in 1824, a direct descendent, created by royal prerogative, of the Royal Courts of Justice at Westminster. Like those Courts, who administrator justice throughout England and Wales "on assize", a feature of the exercise of the jurisdiction of this Court has been the Court's service to the people of regional New South Wales through its circuit work. Although the pattern of that work has changed over the last 10 years, especially in its civil jurisdiction, largely because of the decline in the number of personal injury cases heard in the Court system, and in this Court in particular, the Supreme Court still regularly, and frequently, sits in country New South Wales including here on the far north coast, mainly in the exercise of its criminal jurisdiction these days.

As I have said, this is the first sitting of the Court here in the fine town of

Murwillumbah. Speaking for myself I certainly hope it will not be the last.
Madam Associate, call the matter for hearing.