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FULL COURT OF THE SUPREME COURT  
OF THE NORTHERN TERRITORY

CEREMONIAL SITTING TO MARK THE 30TH ANNIVERSARY OF THE OPENING  
OF THE SUPREME COURT BUILDING AND THE UNVEILING OF THE MILKY  
WAY DREAMING MOSAIC

GRANT CJ  
BLOKLAND J  
KELLY J  
BURNS J  
BROWNHILL J  
HILEY AJ  
RILEY AJ  
HUNTINGFORD AsJ

TRANSCRIPT OF PROCEEDINGS

AT DARWIN ON FRIDAY 11 FEBRUARY 2022 AT 2:02 PM

Transcribed by: EPIQ

GRANT CJ: Good afternoon distinguished guests, ladies and gentlemen. The Judges of the Supreme Court welcome you here for this ceremonial sitting to mark the 30<sup>th</sup> anniversary of the opening of this building and the unveiling of the Milky Way Dreaming Mosaic which forms its centrepiece.

We are honoured today by the presence of her Honour, the Administrator Vicki O'Halloran AO. As always we are grateful for the unstinting support that her Honour provides to all of the Northern Territory's institutions.

Also present in the Court this morning is former Administrator and former Chief Justice of this Court, the Honourable Austin Asche AC QC and we extend a particular welcome to his Honour.

We are also joined by another former Chief Justice, Trevor Riley AO, but he is up on the Bench with us in his continuing role as an acting Judge of this Court, for which we are both fortunate and grateful.

We acknowledge and welcome the presence of the Attorney-General, the Honourable Selena Uibo MLA, who will be addressing the Court in her role as the first law officer of the Northern Territory.

We also acknowledge and welcome the presence here today of Mr Steve Edgington, the Shadow Attorney-General; the Honourable Daryl Manzie AM, who was the Attorney-General at the time of the opening of this building; Mr Peter Shoyer, the Ombudsman for the Northern Territory; and Ms Sally Sievers, the Anti-Discrimination Commissioner for the Northern Territory.

The Court will also be addressed today by Mr Tom Pauling AO QC, a former Administrator and Solicitor-General of the Northern Territory, who was instrumental in the commissioning of the Milky Way Dreaming Mosaic and who also addressed the Court at the ceremonial sitting to celebrate the opening of this building.

Mr Pauling will be followed by Mr McConnel, the President of the Bar Association, and Mr Stirk representing the President of the Northern Territory Law Society.

It is a further piece of historical symmetry that Mr Stirk also addressed the Court in that capacity 30 years ago now at the opening of this building. And can we say, Mr Stirk, it is obvious from the photographs which will later be seen on a large screen outside the courtroom, that you have hardly aged a day since then.

We would also like to welcome a number of special guests who were involved in the design, construction and fit out of this magnificent building.

John Brears was the Multiplex Project Manager of both the Supreme Court and the Parliament House building. John came to that role after managing the construction of the Crocodile Motel at Kakadu, and he has remained a good friend of this Court and a custodian of the building since that time.

Pasqualina Catalano was the administrator of the Multiplex office during the construction. Among other things she had the very important task – probably the most important task – of managing all of the payments to the subcontractors involved in the project in order to keep things on track.

Joe Libro and Sue Coles were the interior designers from Meldrum Burrows who had responsibility for the finishes, the colours and the soft furnishings in the buildings. The quality of those finishes – as is apparent from this courtroom, by way of example – and the fact that they have stood the test of time both functionally and aesthetically, is a testimony to their taste and to their discernment. During the course of that process, Joe fell in love with Darwin, to its great benefit he relocated here permanently, and he remains working here as a designer to this day.

Ross Dunkley was the senior structural engineer on the project.

Chris Renehan was the building designer who had the mammoth task of drafting the drawings for the building.

Keith Aitkin and his daughter Amanda Challen, whose company Advanced Civil Engineering undertook the civil engineering work involved in the demolition of the existing buildings and the excavation of the site.

Peter Poniris was the principal painting and decorating contractor for both the Supreme Court and the Parliament House. Peter had the unenviable task of organising and coordinating all of the painting and decorating of both buildings, which was something he discharged with distinction. We also welcome Tom Stark who was Peter's right-hand man in that undertaking.

Ray Bail, whose company Alice Precasters – which as the name indicates, started in Alice Springs – manufactured all of the precast concrete panels for both the Supreme Court and the Parliament House, which was a massive and laudable undertaking for a local company.

And finally we welcome John Hume, who was the principal building inspector for both buildings and who had the crucial task of ensuring compliance with the various codes. John, nothing has fallen down yet.

Of course, there were many others involved in the process who for various reasons are unable to attend to today, and we also extend our gratitude and best wishes to them.

The construction of this building, together with the construction of the new Parliament House, marked an important milestone in the history of the Northern Territory. The construction of a public building on this scale was a nation building exercise.

The building itself was symbolic of the Northern Territory's constitutional and economic development into a self-governing politic with its own judicial and political powers and institutions.

The project also demonstrated the skills and abilities of people involved in the construction industry in the Northern Territory, and the building remains an enduring testimony to those abilities. We congratulate them for that achievement.

The celebration of the 30<sup>th</sup> anniversary of this building is also to recognise the very important function performed in it. Court buildings are important symbols in a community which is governed in accordance with the rule of law. It is essential to the maintenance of a democratic and civilised society that parties are able to have disputes concerning their rights and liabilities resolved by an independent body which applies known and predictable laws. That is the essential function which is performed in this building, and it is a fitting structure to symbolise the authority of the law.

We would now call on the Attorney-General to address the Court. Thank you, Madam Attorney.

MS UIBO: May it please the court. I acknowledge the Larrakia people, the traditional custodians of the beautiful land on which this court sits. I pay my respects to their elders past and present and to the emerging future Larrakia leaders.

Today we mark the 30th anniversary of the opening of the Supreme Court building and the unveiling of the Milky Way Dreaming Mosaic. The building was officially opened on Friday, 29 November in 1991 by the Administrator, the Late Honourable James Muirhead AC, QC.

His Honour had himself been a judge of this court from 1974 to 1985 when it was located on the corner of Herbert and Mitchell Streets.

On the same day as the opening, his Honour, Chief Justice Asche, AC, QC and his Honour Justice Brian Martin AO, MBE, QC, presided over the ceremonial sitting to celebrate the opening of this magnificent building. Among the speakers on that occasion were the Honourable Mr Daryl Manzie, AM, Attorney-General at the time, the Honourable Mr Tom Pauling AO, QC as the second law officer, Your Honour Graham Hiley QC on behalf of the Northern Territory Bar Association and Mr John Stirk represented the Northern Territory Law Society.

It is indeed a thing to be treasured that so many people from that day - and not just those who I have mentioned here now, join us today to celebrate this milestone in marking the 30th anniversary.

The permanent judges of the court at the time of the move to this new building, apart from the Chief Justice, were the Honourable Justice Brian Frank Martin AO, MBE, subsequently a Chief Justice of the court, the Honourable Justice Sir William

Frances Kearney, CBE, the Honourable Justice John Anthony Nader, the Honourable Justice David Norman Angel and the Honourable Justice Dean Mildren.

Over the years no less than 16 permanent judges and three permanent associate judges – or Masters as they were formerly known - have called this building home. That is testament to the ongoing development of the Territory both politically and legally.

By way of comparison, it may be recalled that the former Chief Justice, the Honourable Sir William Forster, had been the sole resident judge in Darwin between 1971 and 1974. Maybe a few judges blew in after the cyclone.

The location of the Territory's judiciary tells the story about the maturity of the Territory since it was first established in 1911. During this process of development, the principal seat of the Territory's judicial system have variously been a stone building on the Esplanade, the Sidney Williams huts on the Esplanade and the Court house on the corner of Mitchell and Herbert Street. A process culminating in the very building we celebrate here today.

The location of the court, placed prominently between the Legislative Assembly and the Administrator's office, also tells us an important story about our system of government with the three branches of government – the legislature, the judiciary and the executive - separated and with the ultimate responsibility being vested in this court to determine the proper sphere of each branch and their roles of responsibility.

This court has seen many firsts.

In recent memory it housed the first hearing in the Northern Territory by the Full Court of the High Court. The Timber Creek Native Title Compensation Claim heard in September 2018 was the first litigated compensation claim in Australia. It was in this very room that that court heard the argument about the compensation that should be payable to the Ngaliwurru and Nungali people for the extinguishment of their native title in the township of Timber Creek.

Your Honours need no reminding of that case. Your Honour Justice Brownhill, was the Senior Counsel for the Northern Territory, having taken the baton from the Chief Justice after his elevation to the Bench.

This building, together with its counterpart in Alice Springs which opened in 2017, continues to facilitate the administration of justice in and for the Northern Territory.

One of the first cases heard in this building commenced on Monday 2 December in 1991 before his Honour Justice Mildren in *Horne v Sedco Forex Australia*, a case concerning the cancellation of workers compensation payments. The counsel were Graham Hiley QC, as your Honour was then, and the late John Waters QC. The scales of justice were evenly balanced on that day, both the appeal and the cross-appeal were allowed.

Another early case was the criminal trial presided over by Justice Kearney in Court 2. A trial where the jury deliberations went into the late night whilst other court staff, judges, magistrates and members of the legal profession were attending the official court wake of the old courthouse. For the record, the jury returned a verdict of “not guilty” - a verdict that was delivered well before the wake was over.

Now, 30 years on, this building continues to house a busy list of criminal and civil matters. The building is striking - as it should be. It was designed with high ceilings and copious natural light, reflecting the transparency of the law and the beautiful Territory, which we love.

The brown granite which paves the walking area on the ground floor - and the two staircases leading to the upper courts - are sourced from the local Mount Bundy. The courtrooms are fitted with Australian timbers for the Bench, the Bar table, the Bar and the Jury and Witness Boxes. Silver ash and beech are the materials of choice in courtrooms 2 to 11 whereas traditional hardwood jarrah and brushed box adorns the Ceremonial Court in which we stand or sit here today.

But the artistic centrepiece is undoubtedly the mosaic of the Milky Way Dreaming. This work was inspired by the painting by Warlpiri artist Norah Napaljarri Nelson, called the "Milky Way Dreaming" or Yiwarra Jukurrpa in Warlpiri. It was painted in Yuendumu, creating a link between this building and Central Australia. The work depicts the Dreamtime legend of the seven Napaljarri sisters who turned into fire and placed themselves as stars in the night sky in order to avoid pursuit. Their pursuer - a Jagamara man - also turned himself into a star but by reason of ending up in the morning sky, was unable to complete his pursuit. The full story and the history of the creation of the mosaic can be viewed in the foyer outside this courtroom. It is a fascinating read and I recommend it to everyone.

The painting itself was commissioned by the then Solicitor-General, Mr Tom Pauling AO, QC,

We thank you for having the foresight and vision for being the driving force which brought the painting to this court.

I have already referred to some of the striking features of this beautiful building.

That list is not complete without making special mention of the atrium which creates a place from which one can truly absorb the full impact of the 55 square metre artwork. The integration of the mosaic and the atrium brings the building together as a whole.

It may also be observed that the method of viewing even introduces a paradox - by reversing the perspective so that the viewer gazes upon the night sky by looking downwards. Further, and as is perhaps not as widely known, there is also a direct view to the Milky Way Dreaming mosaic from level 6 of the building. The judges too

can draw inspiration from this dreamtime story and creation story when they are pondering how best to administer justice in the case before them.

There are, of course, many other works of Aboriginal artists on display. One is the Men's Spear Fight depicted in the Turkey Tolson Tjupurrula work from 1990. If one looks closely, the spears can be seen in and between the parallel lines. The painting was donated by the Law Society at the very opening of this building 30 years ago. There is also the display of Larrkitj poles to lay the spirit of Dhakiyarr Wirrpanda to rest. The mortuary poles were presented by the Yolngu people in the Supreme Court in 2003 as an act of reconciliation between the descendants of Dhakiyarr Wirrapuna and the Northern Territory Government.

The poles were prepared and painted by the foremost artists in the region and hold great spiritual significance for the Yolngu people. It was a ceremony I was able to attend myself. I never thought I would be Attorney-General then.

Dhakiyarr was a senior ceremony man from north-east Arnhem Land. He had in the 1930s been convicted of the murder of Constable Albert McColl and was sentenced to death by the court in Darwin. However, his conviction was quashed by the High Court in 1934 and he was released.

Finally, it must be acknowledged that the quality of the many other Aboriginal artists whose artworks are on display in this building is the result of the dedication to Aboriginal art by Justice Angel, a former judge of this court, and his late wife, Anita Angel.

A plaque on the ground level marks their contribution.

At the opening of this building 30 years ago, the then Administrator, his Honour, James Muirhead AC QC, issued a proclamation, stating that:

"The building known as Supreme Court of the Northern Territory at Darwin shall be surrendered and delivered to the Judges of the Supreme Court of the Northern Territory for the purposes of the administration of justice in and for the Northern Territory of Australia."

The proclamation has been kept in the court records ever since. The references to surrender and delivery are significant. They recognise that this building - and the judges who have custody of it - are the ultimate means by which justice is administered in the Northern Territory.

Over the last 30 years, this Court and its judges have administered that justice to the people of the Northern Territory with fairness and impartiality. The Supreme Court building has served and continues to serve as a representation of the strength and independence of the Northern Territory judiciary.

And just this Monday past, the Court of Criminal Appeal was presided over by an all-female Bench: Justice Kelly, who knew me as a kid growing up in Batchelor,

Justice Blokland, who has known me for a long time as well, and Justice Brownhill J, in respect of whom I had the honour of attending her swearing-in ceremony.

May this building continue to diligently dispense justice for many decades and many generations to come.

If it pleases the Court.

GRANT CJ: Thank you, Madam Attorney. And thank you, Mr Solicitor.

Yes, Mr Pauling?

MR PAULING AO QC: May it please the Court. I am delighted to be given the indulgence to speak on this occasion. Like others, I took the opportunity to see who spoke about what in November 1991. Austin Asche did as Chief Justice. Daryl Manzie did as Attorney-General. John Stirk did as President of the Law Society and I did as Solicitor-General. And here we all are again!

I recently said to the Chief Justice, "Is this serendipity?" "No" he said, "It's by design". So it feels like we are in the Blues Brothers movie. Jake will soon say, "We are putting the band back together".

The opening 30 years ago is vivid in my mind for many reasons, not the least, you might suppose, the unveiling, in a figurative sense, of the Milky Way mosaic. It is highly appropriate that we cast our minds back to earlier times and the circumstances that led to the creation of this outstanding building, this architectural marvel.

In 1970, when I came to join Cridland & Bauer, the old building housed the Judge, Dick Blackburn, the Magistrate, Haines Leader and the Crown Law Office. There was a spare chamber for a visiting Judge, and access to Court 2 was only through that Chamber, and it didn't matter what the visiting judge, if we had one, was doing, that is where you had to go in and out, as I later did as a Magistrate.

In any event, in this old building, as Dean Mildren correctly tells us in his marvellous book, unsatisfactory band-aid solutions were built all over the place and moving Judges to different buildings. It really was a mess. So this was truly a godsend.

The move to this Court was not to happen until all was in place for the procession led by mounted police. However, on the last day in the old Court, Kearney J, as we have been told, was conducting a jury trial. A party was building to farewell the leaky old crumbling edifice. Colin McDonald reminds me that the power was switched off.

So, in short order, it seemed that as the revelry increased, the trial could no longer continue. In short order, it moved here. An Orderly brought over bone China



teacups and saucers on a tray for the jury but tripped on the Milky Way and one or more smashed.

The clean-up was incomplete. A distressed Sheriff's Officer came to me with a quite round and smooth white object, plainly from a cup handle, and proclaimed "The mosaic is breaking up". I feigned shock and horror, and together, we searched all of the mosaic for the place the object had dislodged. All 500,000 odd pieces of venetian glass were intact. Even my Mother's star was in a quiet repose.

With military assuredness, he addressed me, "I'll keep an eye on it", and left me with a bone china fragment. In the handsome brochure, we mention the fact that we had, in our negotiations in Yuendumu, forgotten to ask the owner of this particular story of the seven sisters, whether it was appropriate for people to walk on the mosaic.

Sue Coles, the excellent interior designer of this opulent building, and I flew to Yuendumu and before a large audience in a gallery, we put the question to Paddy Japaljarri Sims, the owner, "Can people walk on the mosaic?" There was a long silence. There was tension in the air. Thoughts racing. He then said, "As long as people don't wear muddy boots". So there was laughter all round.

After the opening I was asked if the mosaic would wear out from people walking on it. Mosaic artist, David Jack, who unfortunately cannot be here today, thought about it and concluded that it might happen about 800 years after the Mount Bundy granite wore out.

The venetian glass is very close to diamond in hardness. And may I say also that the other mosaic artist, Joe Attard, is unable to attend, which is a pity. It was little short of a miracle that Cabinet, faced with eye-watering costs for this building, approved the Milky Way project. And I regret that Marshall Perron cannot join us today. In his view, the mosaic will outlive the memory of us all. Reminds me of Pompeii, but I won't go there.

Thank you to the Court for this occasion, but before I conclude, with your leave, may I inform the Court that the Territory's most outstanding advocate of his time, Ian Barker, died in late December. He was farewelled by the Bar that he nearly founded, and the Bar Association that he did found, at a function last evening at the Sailing Club.

Ian went to Alice Springs in 1961 to join Neil Hargrave who was the only lawyer there. And when Neil was attending to his Adelaide practice, Ian was the only lawyer between Port Augusta and Darwin. He was very quickly successful and moved to Darwin in 1970, where he was pre-eminent. He took silk in 1974 and was the first Solicitor-General at self-government.

Organising the machinery of government was not what he wanted to do, and so he went to the Sydney Bar in 1980 to the relief of many barristers, myself included, and built a huge reputation as both a sublimely skilled advocate and a passionate

defender of human rights, and as President of the New South Wales Bar Association, had enormous respect.

Ian loved the Territory with deep passion. His widow Penny is here today with four of his six children, Nicholas, Jill, Bridget and Eleanor. He was deeply respected as a lawyer and deeply cherished as a friend. May it please the Court.

GRANT CJ: Yes, thank you, Mr Pauling.

We endorse what Mr Pauling has said in relation to Ian Barker, and we extend our condolences to his family in court here today.

He is an iconic figure in Northern Territory legal history. Quite apart from his abilities as an advocate, he was one of the principal architects of self-government. He was the one, in particular, who drove the requirement for the Northern Territory to be created as a polity under the Crown. But for his fight against the Commonwealth on that issue, the Northern Territory would have been a mere statutory corporation without the powers and privileges which derive from the Crown, and it would have only enjoyed a very pale imitation of self-government.

Ian Barker also put in place many of the constitutional procedures which are still followed to this day, including, Madam Administrator, the certification which is presented to you each time you sign a law into effect, advising that the law relates to matters falling solely within the Northern Territory's executive authority. That was one of Barker's creations.

It is of note that every person who succeeded Ian Barker as Solicitor-General for the Northern Territory is present in the courtroom today, with the exception of his immediate successor, Brian Frank Martin, who was his great mate and his former partner in law. Brian had planned to attend today, but was, unfortunately, unable to due to ill health.

All of us who have subsequently served in the office of Solicitor-General were standing on the shoulders of a giant.

Yes, thank you, Mr McConnel.

MR McCONNEL: May it please the court. The Bar Association also acknowledges the traditional custodians of the land on which we are gathered, the Larrakia People, and it pays its respects to their elders, past, present and emerging.

The Supreme Court is a truly magnificent public building, one of only a very few in existence in the Northern Territory. The elements and history have not been kind to this place, and what few buildings of prominence were established in the early years, have been eaten away, bombed away or blown away. At least one favourite building mysteriously disappeared in the night.

Public buildings such as the Supreme Court and the Legislative Assembly, or Parliament House, are an important reflection on who we are. As the U.S. Supreme Court Lewis Powell Jnr J said, "Public buildings often accurately reflect the beliefs, priorities and aspirations of a people."

For the people of the Northern Territory, the construction of State Square was a visionary, but controversial project. It required a substantial outlay of public monies that many people thought should have been invested elsewhere. But once the project was completed, most public dissent gave way to an acknowledgement that the completed State Square represented something greater than the sum of its parts.

It spoke to the permanence of our identity as a self-governing body politic, perhaps even recognition as a state - although that has not to come to pass - but which had hitherto been missing from the Territory landscape.

The new Supreme Court provided room for expansion of the court in future years. It was built with 10 courts and capacity for more in the future. It enabled future increases in the number of judges, but regrettably this has not occurred.

It also provided additional room for all of the functions associated with courts and with running trials, expanded jury rooms, jury muster rooms, criminal and civil registries and the combining of the judges' and the Department of Law libraries, a highly valuable resource which became accessible to the members of the profession for the first time.

The new court brought additional comfort and functionality to all of the people who practised in it. Mr Pauling has mentioned Ian Barker QC. He was one of the few practitioners to have experienced conditions in all three post-Second World War court houses. He described the changes this way:

In my time, fashions in court dress changed when progress came to Darwin. Before 1964, the Supreme Court building was a Sidney Williams Hut in the Esplanade, left over from the War. Somehow it had escaped the Japanese bombing. The building was nice enough with bougainvillea trailing past the louvres, but it was not air conditioned and during the rain no one could be heard, which meant that in the wet, court cases tended to proceed more or less intermittently. In those days, one wore a robe over a shirt with no bar jacket.

When the second court building was opened in 1964, the late Bridge J decreed that because it was air conditioned, bar jackets would henceforth be worn. It was just as well, really. The judge had very firm views about what the Darwin climate ought to be, quite ignoring what it was. And the temperature in the building required not only bar jackets but jumpers and mufflers also.

Litigants occasionally sustained frostbite, but the advantage of the system was that you could chill a carton of beer simply by leaving it on the Bar table.

The need to leave the building during the morning adjournment was thus obviated.

The present courts are pleasantly cool, and who wants to drink beer in the morning?

Perhaps that's what meant by a "civilising influence", and if so, this court appears to have nailed the brief.

There are some other aspects of the building that contribute to its magnificence and its significance, that have already been mentioned by the Attorney and by Mr Pauling. The first and obvious, the Milky Way Dreaming Mosaic, which allows one to literally walk *through* the artwork, or if you prefer, to lean over the balcony on the fourth floor and gaze, seemingly literally, into the stars.

And the second is the symbolism and beauty of the ceremonial poles that the Attorney referred to, that tell the story of reconciliation 70 years after the event of the families of Constable McColl and the Aboriginal warrior, Dh'a'kiyarr, the subject of one of the Territory's most notorious mistrials and earliest appeals to the High Court, involving an Aboriginal criminal defendant.

The court building by including such symbolism amongst its public spaces, reflects the history and progress of the administration of justice in the Northern Territory, the acknowledgement of failings of the past and our commitment to improving justice outcomes in the future.

The court's generosity in hosting such events as the annual Human Rights Awards, the Fitzgeralds, along with the Rights on Show Exhibition, which includes works of art created by incarcerated Territorians furthers that perception.

It is not enough to build a building and to bask in its glory. What stands today as a symbol of transparent and open justice will, if not sustained, descend into one of neglect or worse, failure. If the court cannot fulfill its vital function in the administration of justice because of systemic under-resourcing, it is in danger of taking on an altogether different symbolism.

- If someone is required to spend six months or a year on remand just to reach a trial, what message is sent to them and the community, when they finally in this magnificent building of glass, granite and polished timber?
- If a trial cannot proceed because of a lack of prosecution or public defence lawyers through under-funding, will the public rightly condemn the apparent incongruity of a grand building that is not fit for purpose?
- If a trial cannot proceed because of a lack of effective interpreter service, will the Dh'a'kiyarr poles come to symbolise a continuation of the failure to communicate between Aboriginal people and non-Aboriginal authority in the Territory?

The justice system in the Territory is in a critical state. It is in dire need of additional funding across all areas. Courts, prosecutions, legal aid, youth justice, corrections, rehabilitation programs, interpreter services and bush courts. They are straining under an unmanageable case load. It threatens to condemn another generation of Territorians to an administration of *injustice*.

On this occasion that is a celebration of our achievement as a body politic, as a court and as a legal profession serving our community, may this also be an occasion for reflection on the magnitude of the task ahead, and a call for the same vision and confidence to deliver the justice system we need, as was held by those who delivered this magnificent building to the court 30 years ago.

May it please the court.

GRANT CJ: Thank you, Mr President.

Yes, Mr Stirk?

MR STIRK: May it please the court, I am honoured to move on behalf of the president of the Law Society. Whilst openings of courts we have canvassed today are a mere blink of an eye in the time Aboriginal Territorians that walk this country, it is timely on an occasion like this to consider the recent history of law in the Northern Territory. I share Tom Pauling's views that if we are going to get this band together, I do not know whether in 20 years' time for the 50th, there are not going to be too many of us left to be able to participate.

But, hopefully this 30th anniversary gives us a bit of in-between time to talk about what has occurred.

I must also confess to feeling a little like Nathan Lyon coming in at number 11. The end of the innings is nigh, and hopefully I can add a little to the innings before I am dismissed.

Those higher up the order have taken to the bowlers, and have told many of the stories that I was otherwise going to tell. Higher up that order, and perhaps the umpire 30 years ago, was Austin Asche, the then Chief Justice. It is pleasing to have him here today.

I remember Andy Kirkham who appeared in 1991 as the Australian Bar Association president and president of the Victorian Bar, quoting Austin Banjo Patterson of Life in Darwin, in 1898. Always a good way to go on the right side of the then chief justice.

Andy was a frequent visitor to courts in both Alice Springs and Darwin, and most notably had juniored John Phillips, the subsequent Chief Justice in Victoria, in the Chamberlain trial for the defence. Ian Barker QC and Tom Pauling prosecuted for

the Crown. So there is a bit of synchronicity or symmetry in what we are doing today.

Then Asche CJ taught us all a lot about the law, poetry (particularly since Kenneth Slessor), old Icelandic and being a great communicator to all people. His successors have followed in those footsteps.

Also present as a one degree of separation in 1991, was the then Chief Justice of the High Court, Sir Anthony Mason, who as Solicitor-General had accompanied the then Commonwealth Attorney-General Billy Snedden, on the opening of the old Supreme Court. Whether it is 1964 or '65, I am not sure. There seems to be a bit of confusion but, in any event, it was a much-maligned building that was much talked about in 1991. Fortunately, these days I think it's got a new life as a car park.

As the Law Society obviously we must mourn the passing of Ian Barker, the second president of the Law Society of the Northern Territory and as many of us have said – and I think it is probably a common view – perhaps the pre-eminent lawyer from Alice Springs, if not the Territory. He followed in a procession of lawyers from Alice Springs to Darwin. Dick Ward had moved from Alice to Darwin after the war. Ward Keller is his legacy but, more relevantly, he was a judge of this court and the first Aboriginal Land Commissioner. Tom Pauling reminds me there may be some doubt about his appointment as Aboriginal Land Commissioner, but that is a long, long time ago.

Paul Everingham, the first Chief Minister of the Territory and Ian Barker had moved from Alice to Darwin in the seventies and were briefly reunited at Barker, Withnall and Everingham. Brian Martin, who unfortunately can't be here today, succeeded Ian in the role of Solicitor-General and was a subsequent Chief Justice of this court. And in terms of the opening in 1991 between the Law Society and the court, he was the person as the junior judge to be nominated to be the go between in that job.

John Reeves also left Alice Springs briefly to become the federal member before being rolled by Paul Everingham, became a member of the Northern Territory Bar and is now a retired Justice of the Federal Court. Max Horton, who many of you may remember but perhaps not that well known, was another Martin & Partners lawyer, who was awaiting the call to become Solicitor-General of the Northern Territory. He was, he said unfortunately gazumped by one Tom Pauling, who discovered the job as Solicitor-General was the best job for a lawyer in the world and stayed with it for many long years.

The only qualification I've got about whether it's the best job in the world was what Ted Egan told me when he was retiring as Administrator and Tom was about to take the job. He described the job of Administrator as the best job for geriatrics that had ever been found. Fortunately the current administrator does not fit that demographic.

There are a number of themes that perhaps – well, before I go to the themes – but perhaps – on the Barkerisms. In 1991 the great joy of that occasion was a Christo's lunch on the day of the opening when the key speaker was one Ian Barker.

And to this day, I cannot ever recall ever belly laughing as much. He had everyone from – we had four chief justices, including the chief justice of PNG; people were falling about themselves in the descriptions of the life and times of a Central Australian practitioner in the sixties, delivered in that unmistakable Barkerisms'. The other story that – given the constitutional history that I probably should repeat, and I've overlooked, was a Paul Everingham story about negotiations with Malcom Fraser over the terms of the NT Constitution.

And one of the big issues was a phrase – an assertion that the Northern Territory had to look after industrial relations. And Barker's view was – according to Everingham, "Over my dead body". And the response was, "Well, parliamentary counsel have told me you have got to have it". At that stage, Barker walked out of the room and as he left the then Prime Minister said, "Mr Barker, where are you going?" he was told, "I thought you ran the country. I now realise parliamentary counsel do". Needless to say, we don't have an industrial relations function in the Northern Territory.

But one story that wasn't told in all of those stories about Cyclone Tracey and the dreadful things that occurred; about Major General Stretton – was a story – another Barker story of course, about Boxing Day 1974, when Ian is looking for the then Chief Justice Bill Forster and goes to a fairly smashed up old Supreme Court. He said he knocked meekly on the door; opened it to find a couple in very close embrace on Forster CJ's desk. He said as he closed the door he said the words, "The most work that's ever been done in these Chambers". It wasn't repeated in 1991 because William Forster was present that day. So thirty years on I get the chance to get that one out as well. And it is probably politically incorrect to comment anything more about that story.

There are a number of themes that were dealt with on the opening of the court. Leaving aside the historical disasters, I can certainly echo what was said by the then Attorney-General, that the executive arm of government in the Territory had determined that we needed a court that would last at least 100 years. And we're talking 13 years after self-government. So, I think the Territory can take a bow for doing something as important as the construction of this building.

It had, after all, taken the Commonwealth 79 years to open the High Court building in Canberra, given the general reluctance of commonwealth public servants to make the move from Melbourne. So, we are one up on them. The other good thing about this courthouse was there was a lot of consultation between both the court and the executive, to ensure a building fit for purpose. Unfortunately, those of us who labour in Alice Springs realise that there was no such consultation with the construction of the new Supreme Court in Alice Springs.

The delays in this anniversary occurring in November 2021 were partly a consequence of the ravages of Covid-19 throughout the country. That led in turn to what – and Bill Shorten and I are on a unity ticket – the balkanisation of Australia. If 1991 was 2021, we wouldn't have had the joy of having Kennedy J from the WA Supreme Court and Toohey J, a resident of Perth then on the High Court, present in 1991. They would have thought having to quarantine to go back to WA would have been beyond the pale.

Finally, you get in these times a chance to talk a little bit about yourself and Ian Barker. My last visit to Ian was when he was at Frederick Jordan Chambers, shortly before his retirement into 2017. Tom Molomby and I had found the ultimate laminated front page of an NT News that we thought he should keep for all time. It read, "A dingo took my chooks. Humpty Doo is a very dangerous place".

GRANT CJ: Thank you, Mr Stirk.

Ladies and gentlemen, we thank you for honoring us with your presence and your attendance here today. We thank the members of the court staff who have worked so tirelessly to arrange the ceremonial sitting, and particularly Debra Carr, the Manager of Chambers.

Once court has been adjourned, we invite you to join us in the foyer for a short presentation on the history of the Milky Way Dreaming mosaic, after which refreshments will be served.

The court will now adjourn.

ADJOURNED