

## Black casts light on court refurbishment

Now in his twentieth year as chief justice of the Federal Court, Michael Black AC has overseen a stunning transformation of the Federal Court buildings throughout the country. The refurbishment of the Federal Court floors of the Joint Law Courts Building is still underway but to mark the opening of the first stage of the refurbishment – Level 18 and the new Principal and District Registry – Andrew Bell SC interviewed and was given an insider’s tour by Black CJ.

**Bell:** What was it that sparked your original interest in a major assault on the architecture of the Federal Court buildings?

**Black CJ:** I’ve always been interested in architecture. It may be in my genes – there are some ancestors who are architects – I just like creative things and when I became chief justice the conditions of the court in Melbourne were quite appalling. Sydney had already been built and was excellent and I developed a huge enthusiasm for getting the Melbourne project underway, and the other projects have followed. In the case of Sydney, it is probably worth mentioning that the building is now over 30 years old, the facilities had to be restored, whatever you did with the rest of it. I mean the lifts had to be replaced, the asbestos had to be removed, all the services had to be restored, so that was a must. It couldn’t have been delayed any longer so we’ve taken good advantage of the opportunities that that necessity presented.

**Bell:** And with your interest in architecture must have also come an interest in shrewd negotiation with the Department of Finance?

**Black CJ:** Others would have to be the judge of that.

**Bell:** You know better than to answer that. Has there been an underlying design philosophy?

**Black CJ:** We articulated a number of important values such as respect for the dignity and importance of the courts and the rule of law in some of the design briefs, but basically what you’re trying to do is to have a building that is functional, that emphasises the importance of what goes on there without being overbearing. It has to have a nice balance between dignity and not being overbearing. I mean it has to have a degree of authority but that shouldn’t be heavy.

**Bell:** And each of the Federal Court buildings around Australia now has distinctive qualities but also some unifying characteristics.

**Black CJ:** Yes they do. And I think the unifying characteristic is this notion of light and access and of course there is the symbolic affinity between light and justice which I’d like to think is reflected architecturally.

**Bell:** From my point of view, having appeared quite often recently



Andrew Bell SC and Chief Justice Black

in Perth and Melbourne, courtrooms with natural light are very pleasant to work in.

**Black CJ:** Yes, and I mean the objection to them is that people get distracted. Well, people get distracted looking at the ceiling so if you’re going to be distracted, you might as well look at Sydney Harbour – a nice way to be distracted. But in truth it’s not a problem. I should also say that there’s been a lot of collegiate involvement in this. I mean there were committees, judges – smallish committees – but these are collegiate ideas. That’s very important.

**Bell:** No doubt drawing on experience of running large trials as well as small trials.

**Black CJ:** Yes, but as well as that, I mean the philosophy that has been developed for these courthouses is a collegiately developed philosophy.

**Bell:** What have been some of the influences on your own attitude

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to court architecture?

**Black CJ:** One of the great influences on my own thinking about architecture was that I had the privilege, as a very young silk, of being at the opening of the High Court and that is a superb building. It's very, very important architecturally. It got rid forever of the notion of those restrictions of space that used to characterise some of our architecture.

**Bell:** And also those courtrooms in the High Court, Courtroom No. 2 in particular, but also Courtroom No. 1 to a certain extent, must have been some of the first court buildings in Australia with natural light.

**Black CJ:** Yes they were. And that's always influenced my thinking about courtrooms. There were some other examples, of course. The Court of Appeals for the Second Circuit in New York has wonderful views of mid-town Manhattan. It's not unique for courts to have views and of course the High Court has the wonderful precedent or non-precedent of that natural light and the creative use of large spaces. And interestingly, in colonial times, there was a lot of natural light because the artificial light was not very good.

**Bell:** An example of that is the courtroom in Norfolk Island, which looks straight out through big picture windows to the Pacific.

**Black CJ:** One of the aspects of court architecture, which is exemplified in Melbourne and Adelaide, and also historically here in Sydney, is a sort of a 'procession' into court. I mean you shouldn't go straight off the street straight into the courtroom. There's a transition, in this case, from Phillip Street ...

**Bell:** The precincts of the court.

**Black CJ:** The precincts of the court. You go across Queens Square, you see St James, you get into the lift; now in our court you'll come up to see the harbour and then you're in court, so it's not an instantaneous thing, it's almost a progression rather. And we find that also in Melbourne and Adelaide, and I think that's important. You see it also in the Royal Courts of Justice, too.

**Bell:** Speaking of Adelaide, the Adelaide courtroom, the ceremonial courtroom has a distinguishing feature in that the bench and the bar table are both constructed from the trunk of a single tree.

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A courtroom with a view from level 18 of Queens Square, Sydney.

**Black CJ:** From a single ancient river red gum *Eucalyptus camaldulensis* and the story of that is actually rather interesting. When the building was being planned, we wanted one beautiful courtroom and we said to those who were funding it, well don't fit out all of the smaller ones to the same scale, spend the money to make the No. 1 Court absolutely wonderful, and they did and it's a great credit to the Department of Finance that it agreed to that. And we commissioned an artist in wood to do the tender. He found an ancient river red gum that had lost its crown in a storm a couple of hundred years ago in the Coonawarra. It was at the end of its days so he harvested that – we've got photographs of this great beast being harvested – and he brought it back to his workshop, which is just behind the Supreme Court in Adelaide in the centre of the city, and crafted the woodwork. The bench and bar table are quite beautiful.

**Bell:** And there's obviously significant symbolism there with the connection between the bench and the bar.

**Black CJ:** Yes, oh yes, absolutely, and we've always thought in our court architecture that the bar table is an object of particular significance and you'll find that in Perth where it's jarrah, Hobart where it's made of Huon pine, Melbourne where it's a red gum, and Adelaide.

**Bell:** Are there any features of the timber in Sydney of note?

**Black CJ:** Not particularly, although a lot of the timber that's been used in this refurbishment has been recycled from the old court rooms and when this time next year I show you over the new number one court, that'll be something very special.

**Bell:** So what stage has the refurbishment in Sydney reached?

**Black CJ:** We're about half way through, I'd judge. We've got now



one fully operating floor of courtrooms – Level 18 – the jury court and a large litigation court and there are two ‘smaller’ ones, and this year we’ll be fitting out some of the judges’ chambers and doing another court floor – two court floors this year – and we’ve also already fitted out the District and Principal Registry.

**Bell:** Is there a particular philosophy underpinning the Sydney refurbishments?

**Black CJ:** The philosophy that’s informed this part of the renovations is that it’s the best courtroom site in the world and we should make use of it to give a shared access to the public, profession, judges and staff to the view, to the natural light and to the general ambience of this part of Sydney. If you have a look at Level 18, which is the first of the refurbished floors, you’ll see that’s exactly what we do. You come out of the lift and there is a large public waiting area with a quite unsurpassable view across the harbour up to the heads. There are interview rooms which are both private and allow access to the light and the views. Courtroom 18B is one of the two medium sized courtrooms. I mean they’re not actually small. This is 140 square metres which is, I think, a fair sized courtroom on any view. It has two rows of bar tables, plenty of room for the public, high quality electronic facilities and a magnificent use of the site. The other thing is that these have double blinds so that you can turn the lights off, black them out completely for audio visual purposes.

**Bell:** And do you need to do that for the video link to be effective?

**Black CJ:** We don’t need to but we do. We don’t actually need to. It’s just a modern state of the art court making terrific use of the site.

**Bell:** This courtroom would accommodate a bench of five?

**Black CJ:** It will but it probably won’t ever need to. But it certainly can accommodate a bench of five.

**Bell:** And are all of the new courtrooms capable of constituting a

full bench or are some smaller in dimension?

**Black CJ:** No, this is 140 square metres, and none of the other courtrooms are smaller.

**Bell:** That’s a huge difference to some of the older smaller courtrooms.

**Black CJ:** We have small ones in Melbourne that have an extra view looking out into the gardens and so you can actually have a small courtroom if you’ve got the right outlook. But here we’re lucky we’ve got both. All have views like this.

There is also on this floor a large jury courtroom of 260 square metres with a separate jury deliberation facility of substantial size, with usual modern facilities: kitchen and so forth, and that’s also, of course, usable for any other sort of litigation, including large commercial litigation. The jury retiring facility doubles as it will most of the time as a mediation suite. The size alone is not the criterion but it’s big and it will be suitable for big litigation.

Court 18D is the large litigation court for C7 type cases. We have sat a full court in here already, it will take a full court, but for really big litigation, that wall just slides back. The other day for the shareholder class action seminar, which we jointly did in Sydney and Melbourne and linked it by video, we used it for that. It has excellent acoustics, is fully wired, it has superb audiovisual facilities and it will take six bar tables.

**Bell:** So will this be the principal courtroom?

**Black CJ:** No. The principal courtroom is being constructed this year on the site of the old 21A. It’s a two-storey facility. It’s very large and it can and will double quite easily as a public lecture theatre.

**Bell:** So the courtroom we’re in, which is 18D, is an enormous room with a removable wall which would be at least as big in size as the current 21A downstairs, but it won’t be the principal court room in the building.

**Black CJ:** Yes.

**Bell:** Will there be more courtrooms than in the previous building?

**Black CJ:** There will be about the same number.

**Bell:** No doubt a lot more flexibility, given the design.

**Black CJ:** Absolutely. And really much better facilities for the public.

**Bell:** In courtrooms in the Federal Court, do judges have a typical courtroom in Sydney, is that the plan, a typical court in which they sit, or just depending on the size of the cases?

**Black CJ:** Ideally, they just depend on the size of the cases. I mean, judges tend to like their own courtrooms, but we have rejected the American federal idea where you have your courtroom, and your

chambers are virtually outside it. That mould was broken some time ago.

**Bell:** So Sydney is the last of the main capitals to have a major court refurbishment in the Federal Court?

**Black CJ:** Yes, we haven't got a Federal Court in Darwin. We have very good facilities there. We have an arrangement with the Supreme Court. We've got our own registry.

**Bell:** The Supreme Court in Darwin, as I remember, is reasonably modern.

**Black CJ:** Oh yes, it's excellent. It's a superb building.

**Bell:** Were you tempted to follow here in Sydney the model of some of the court rooms in the Federal Court in Melbourne which have etching, do they not, on their windows?

**Black CJ:** In Melbourne we have the Constitution etched on the windows: Chapters 1 and 2 in summary – short parts of Chapters 1 and 2 – and a lot of Chapter 3, as you'd expect.

**Bell:** That's etched on the windows of a number of the courtrooms?

**Black CJ:** Yes, and indeed in some of the judicial chambers. It was an idea of the architects. They said the law is about words and it's revealed in words so let us reveal some words for you and we selected the Constitution, as you might expect.

**Bell:** Have you seen the portrait of Mary Gaudron in the Bar Common Room which employs the same technique?

**Black CJ:** I have. It was independently conceived and if you look at some of the great public buildings in history, such as in Washington DC, they have words incorporated into the architecture.

**Bell:** I suppose you wouldn't want to ruin the view in Sydney with the Constitution?

**Black CJ:** How does one answer that? The Constitution as we've got it on the wall in Melbourne is transparent.

You asked about a national idea of court architecture, well, there are a lot of similarities. In Perth, which was one of the first of the modern federal courts, all the judges chambers have views of Perth water, as it happens; so do the staff have views, the registry has views over the Swan River, the No. 1 Court there has a lovely view over towards the old brewery site which has been litigated in our court more than once. So that's Perth. Brisbane was the purpose built building opened also in 1993. It hasn't made full use of its site but it's a very fine building. Melbourne, of course, you know.

**Bell:** When was Melbourne opened?

**Black CJ:** Melbourne was opened in 1999 and it had a consciously articulated design philosophy of light, access and, indeed, equal



access to the views, that is to say, both to the public, the litigants, counsel, solicitors and the judges.

**Bell:** And has excellent interview rooms and preparation rooms.

**Black CJ:** Yes. It does, it does. And it was designed to take advantage of its site, which is a difficult site – it's above an underground railway – but it was also designed to take advantage of its position on Flagstaff Gardens. It also was designed as it could be there with a philosophy of encouraging the public to come into the building. That was, of course, before metal detectors, but it still has that effect. And it has an outdoor area where people have lunch, it has a café, has trees that people can sit under, and they do, and a water terrace which Ginger Meggs style kids, if they still have them, sometimes jump into, and more sedate people eat their lunches by.

The court in Melbourne follows the Victorian practice derived from the Irish practice of the attorneys sitting opposite, which actually is architecturally very space efficient if you think about it. As counsel, it has it's own problems if you're going badly, of course, you can see the look on your attorney's face. Conversely, if you're going well, you can see the admiring looks as well. But when we did the Melbourne building, we followed the Irish practice. I'm not sure in retrospect whether we should have but we did.

**Bell:** And you say that in part because a national court should have a national practice?

**Black CJ:** It should and it shouldn't. I mean there are differences – not large.

**Bell:** But Melbourne is the only court building where the solicitors sit opposite counsel?

**Black CJ:** They do sometimes in Hobart, I think.

**Bell:** But Melbourne and sometimes Hobart.

**Black CJ:** Yes. Of course in Hobart they wear rosettes as well but I shouldn't mention that, should I?

**Bell:** No, you shouldn't. Back to Sydney, what will happen to the tapestry that used to hang in Court 21A?

**Black CJ:** There are two tapestries. There's one of the trial of Ned Kelly and the other is that large tapestry that appears in Court 21A. You'll be pleased to know, Andrew, that the large tapestry has been carefully removed and restored and cleaned and is ready to be shown to the many people who love it. I've no doubt yourself included!

**Bell:** That's right. Some of the other court buildings, for example, in Adelaide, have some sculpture and some art in the public precincts. Does that form part of the planning and thinking behind



Chief Justice Black AC.

this building?

**Black CJ:** It does. That's at the end of the project. The court at the moment has some art on loan from Art Bank, a Commonwealth agency, and we hope there'll be some money in the project for some artwork which I think, frankly, is important. I don't regard artwork as add-ons.

**Bell:** Does your thinking involve artwork in courtrooms or only in the public areas outside?

**Black CJ:** I hope it involves artwork in courtrooms. Certainly that's been our practice in Melbourne and Adelaide. We don't have any artwork in the courtrooms in Perth. We certainly do have in Melbourne – quite superb.

**Bell:** Some of the large law firms in Sydney have named rooms

after distinguished retired partners. Is there any possibility that distinguished retired Federal Court judges might have courtrooms named in their memory? The Beaumont Courtroom, for example, would be very neat.

**Black CJ:** It would be neat, it would be learned. But we have no such plans.

**Bell:** Can I suggest that one of the many great benefits of this extensive refurbishment is to cement the Federal Court's place in the Queens Square precinct and the traditional legal precinct of Sydney?

**Black CJ:** Absolutely. That is fundamental. I mean you could do other things, very exciting things, with a brand new building and this building has its restraints because of its structure and age and so forth. But it would have been a catastrophic mistake to move from the home of legal Sydney, the centre of legal Sydney with the Bar and the Supreme Court, and of course it's the most exciting precinct architecturally with the old Supreme Court, Hyde Park Barracks, St James and the Square itself, and St Mary's and of course the old Sydney Hospital and the parliament.

**Bell:** And chambers.

**Black CJ:** All of those. I mean it is a wonderful legal precinct that actually lives and it lives in a way that is actually quite different from the other legal precincts.

**Bell:** In what way?

**Black CJ:** Well, for example, if there's, heaven forbid, a funeral, the profession in Sydney all go to it, and St James' and St Mary's, as the case may be, is packed. There's a very strong sense of legal community in Sydney which although it exists elsewhere, is fostered by the particular nature of the Sydney legal precinct. And of course it's got wonderful views as well.

**Bell:** And of course this will no doubt be putting a lot of pressure on the Supreme Court of New South Wales to maybe engage in a similar refurbishment, but that would be no bad thing.

**Black CJ:** We wouldn't dream of putting pressure on anyone, Andrew!

**Bell:** Just can we get on the record, when is it expected that the number one court will be completed?

**Black CJ:** It will be completed in time to be used on 18 March 2010.