



**CEREMONIAL SITTING OF THE LEGISLATIVE ASSEMBLY
OF NORFOLK ISLAND**

**To mark the 50th Anniversary of the Supreme Court
of Norfolk Island**

**The Hon. Justice Garry Downes AM
As a Judge of the Supreme Court of Norfolk Island**

Address given at the Ceremonial Sitting of the Legislative Assembly

27 October 2010

Madam Speaker, Chief Minister, Mr Attorney, other Ministers, members of the Legislative Assembly. It is a very great privilege for me to have been invited to address the Legislative Assembly on the occasion of the 50th anniversary of the Supreme Court of Norfolk Island. I count it a great privilege to be here on this rather lovely day and to be able to take part in the ceremonies.

Thank you Madam Speaker and Chief Minister for your remarks, which I am sure will be warmly supported by all of the judges of the court. I think this must be the first occasion on which the three arms of Government on Norfolk Island, the legislature, the executive and the judiciary, have sat together at the one place, at the one time. Ordinarily they are only horizontally separated, but here, on this occasion, all the judges of the court and nearly all of the members of the Legislative Assembly are together, along with the Chief Minister as head of the Administration. So it seems to me to be, and I again would agree wholeheartedly with the Chief Minister, something of an historic occasion.

The privilege of talking to you for a few minutes this morning is also a great pleasure, for a number of reasons and I will just take a minute or two, if I may, to cover them.

The first, of course, is my pride in being a judge of the Supreme Court of Norfolk Island. As the Chief Minister has said, it is a court which has had some very distinguished judges over the years. I am fortunate enough to have known every single one of them, with the exception of Sir Richard Eggleston and I am not sure that I might not have appeared before him at some time and that it slipped my mind. However, I did know all of the others and at least three of them I count as close friends. They are, of course, Justice Beaumont, who was a very close friend of mine, Justice Morling and Justice Wilcox, who I first met when I was about eleven or twelve. So it is a great pleasure for me to be able to be here as a judge of the court and to be able to take part in these proceedings.

The second reason why it is a particular pleasure is that I am able to celebrate my association, through the court, with Norfolk Island itself. I have always had a significant interest in Norfolk Island. I think that its part in the history of the South Pacific puts it in really quite a historic and unique position.

The four settlements here, that the Chief Minister mentioned, mark it apart from just about every other country in the world. The first settlement, as the Chief Minister mentioned, took place only a few weeks after the first fleet entered Botany Bay. I am not sure that a lot of people on the Australian mainland understand that Norfolk Island was settled with Botany Bay, not as some kind of later extension.

Next was the second, harsh penal settlement, that in one sense is, perhaps, good for tourism, sometimes, but a rather dark period in the history of Norfolk Island.

Then there is the remarkable settlement of the Bounty descendents. That has always conjured up something in my mind – that Queen Victoria gave to a

struggling group of people on Pitcairn Island a new home that was more or less ready to be occupied. I guess that it must have been an electric time in England when the reports came back of a community of Christians in the middle of the Pacific who at first site must have seemed to be natives, because, after all, the women were Tahitian and the children were half Tahitian. What must have gone through England as a result of thinking about this group in the remote Pacific who were Christian, is quite extraordinary.

That was the start of the third settlement and, of course, there was, before all of that, as the Chief Minister mentioned, the mysterious, but much longer, Polynesian settlement here. I have looked at some of the archaeological diggings relating to that. All of that is another reason for my great pleasure.

The third reason it gives me great pleasure to talk to you is because of my personal connection with Norfolk Island. I think many of you know of my relationship with Bev Simpson, who was Bev Downes, and whose father was my grandfather. That is another connection.

The final pleasure I only really learnt about yesterday, in the committee room opposite. There is a lot recorded there about Norfolk Island's link with Mosman, a suburb of Sydney. I happen to live in Mosman, with my wife Brenda, and we have lived there for a long time. I see that Mosman, through the joint association with HMS Sirius and Lieutenant Philip King's first European settlement here, brings us together in another way. So that is another reason for my pleasure in being here.

I will conclude my remarks, if I may, by saying that I think that Norfolk Island has been served very well by the Supreme Court of Norfolk Island. It is a very good combination, I think, that suits itself to a place like Norfolk Island, because you have the benefit of having some distinguished and skilled judges, who, because they do not come here only occasionally, as members of a large court, but are judges of a small court of two or three, have the opportunity to get to know something about the community of Norfolk Island and the culture of Norfolk Island. Although the law needs to be objectively

applied, it never does a judge any harm to have some understanding of the circumstances in which he is judging.

So, as the Supreme Court of Norfolk Island enters the second half of its first century, I hope it will continue to serve Norfolk Island well. In particular, I hope it will continue to serve Norfolk Island in a period of prosperity and good Government.

Thank you