

**Opening Ceremony for  
High Courts Nos. 5 and 6  
and for the re-opening of High Court No. 1  
by the Chief Justice, Mr Justice Anthony Gates. Held  
on Friday 30<sup>th</sup> July 2010 at 10 am  
in High Court No. 1**

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Hon. Mr Attorney  
Hon. Sir Moti Tikaram, former Justice of the Supreme Court  
Hon. Acting President of the Court of Appeal  
Hon. Resident Justice of Appeal  
Hon. Fellow Justices of the High Court  
Master Tuilevuka  
Your Excellencies of the Diplomatic Corps  
Mr Solicitor  
Madam Acting Chief Registrar  
Acting Chief Magistrate  
Learned Resident Magistrates  
Permanent Secretaries  
Members of the Profession  
Mr Architect, Mr Contractor, Supervising Staff  
Staff of the Judicial Department  
Friends and Invited Guests

First, I would like to welcome you all today to this small gathering, this opening ceremony, and to thank you for sparing the time to attend. Second, I must apologise that this opening has had to be performed by me rather than by the Attorney-General. The invitation to Mr Attorney could not at the time of first being decided upon be accepted by Mr Attorney, since he was then due to fly out of Fiji this morning. However his schedule has since changed, and he flies out a little later hence his generous presence today heading up the Bar table with Mr Solicitor, and the two Directors, of Public Prosecutions and of Legal Aid.

Small as it may seem the building achievement we have gathered here to celebrate today is yet significant.

As a result of these works the Judicial Department in Suva now has two extra courtrooms for the High Court, which are sited on the 2<sup>nd</sup> floor above this court, and a refurbished courtroom, High Court No. 1 in which we now sit.

Two needs have fuelled this development. First, there has been the growth in litigation both civil and criminal which has created a pressing need for more courtrooms. Second, because of the need and desire to sit in open court, in a courtroom to which the public have access and not in a judge's private chambers, there needed to be courtrooms available to accommodate litigants, their counsel, friends, witnesses, the press and any member of the public who might wish to observe the proceedings.

From the early 1990s valid criticisms were heard that there were delays in the system, a backlog of cases, and insufficient judges. Successive governments however are not to be blamed for the lack of judges. By legislation Parliament kept increasing the number of judges raising the cadre from 5 to 12 at first, and later in 2002 raising the cadre of High Court judges from 12 to 15. This was further increased in 2007 to 18. It was therefore for the judicial authorities governing their own house to make use of this provision and to ensure suitable and sufficient recommendations were made to fill up these positions.

With the increase in the number of judicial officers appointed, and therefore the increased capacity of the courts to hear cases, litigation has also tended to increase. The need for decisions on disputes is ever there. It is the duty of Government, and more particularly of the judiciary, to supply the means to deal with the cases filed.

With the increase in the number of judicial officers appointed, new courtrooms are required to enable the judges to conduct their hearings. This in turn means additional chambers, additional support staff, secretaries, clerk/interpreters, court orderlies and the like who also have to be provided. Without them, the courts, that is the judges and magistrates alone, cannot operate. The dismissal of the entire judiciary in April 2009 was an unprecedented event. With the filling of many of the vacancies from scratch the judiciary has now been stabilised. That process continues. Gradually the appellate court panels will be filled with persons of competence and impartiality. I am pleased to report that there will be 4 Justices of Appeal attending for the Court of Appeal sittings commencing on 31<sup>st</sup> August 2010. I anticipate overseas Justices of Appeal will assist us also with the 2<sup>nd</sup> sittings of the Supreme Court in October.

I take this opportunity today to welcome to the Court of Appeal bench Mr Justice William Marshall as the new Resident Justice of Appeal, who recently assumed duties. He was formerly a Senior QC and SC of the Hong Kong Bar. I wish his lordship and his lordship's wife a very happy sojourn in Fiji.

The stabilisation of the judiciary has been achieved with a great deal of assistance from the Sri Lankan judiciary and from the AG's chambers in Colombo.

I have oft remarked on our heavy debt to Sri Lanka, to the Honorary Consul Mr Ajith Kodagoda, to the Chief Justice and the Attorney-General of Sri Lanka and to numerous officers who have assisted from Colombo. Over the next few months it is intended that Expressions of Interest will be sought from members of the Fiji Bar. Advertisements will be placed in the local newspapers. This will allow local members of the Bar to express interest in taking up judicial office and allow a process by which names may be recommended to the President for appointment.

But to return to the topic for today – the new courtrooms. It is likely the Judicial Department will acquire more space in Government Buildings as more Departments move out. Government buildings is not of course custom built for judicial proceedings. For instance there is little present scope for dealing with the security needs of the judiciary. An accused is quite likely to bump into the trial judge along the corridors, or the Accused may park his car next to the judge. Nonetheless we must make the most of the building and try to adapt it to our modern needs as far as possible and without excessive expenditure.

With the help of the PWD architect Mr Andrew Pene, and our own Assets Manager Mr George Chand, we were able to decide upon the feasibility of lowering the ceiling of this court, High Court No. 1 and thus to allow for the creation of the two civil courts above with accompanying judges and secretaries' chambers alongside. Plans were drawn up and consulting engineers called in. Tenders were called for and the lowest tenderer selected. We were satisfied that "lowest tenderer" did not mean "lowest quality of work". I am pleased to thank Mr Pene for his original idea and design, Mr Anand Kumar the CEO of Modern Investment Services Ltd, the contractor, together with his two Directors present today, for the speed, efficiency, dedication, co-operativeness, and quality of his company's work. I thank also the consultants H.L.K. Jacobs for their work, George Chand our Assets Manager for guiding and driving from the inside, and Ms Ana Rokomokoti our former Chief Registrar for giving the project her blessing, direction, and commitment.

The contractors worked at hours so as to cause the least disturbance to the courts. They started work at 5 pm and worked through the night till 6 am every day except Sundays. The entire project was completed within 2 months, the time schedule they had set themselves. Any matters for correction were attended to quickly and without fuss. Throughout there has been a spirit of excellent co-operation between the Department, the PWD and the contractor. In many ways this was the performance of a model contract. Quite in contrast you may think to some of the cases that come before us in the courts where relationships have demonstrably broken down badly.

After this address and the brief unveiling ceremonies you will be able to take a closer look at this court and to move upstairs to go through High Courts Nos. 5 and 6, and to peer into the accompanying chambers and secretary's offices.

To accommodate the new courts, this court (No. 1) now has a slightly lower ceiling. New lighting and air conditioning have been installed, the wood panelling has been re-varnished and in places re-sanded. Some of the furniture is yet to be replaced. The witness box has been amended to allow proper space for the witness to mark documents, or to examine plans, photograph albums, or other documents. Proper sound systems, recording equipment, and silent phones are also installed. We now have a Fiji Coat of Arms freshly carved and painted to be hung alongside the arms from post Cession days. The new arms were carved by a carver from Ogea in Lau. In his other life he features in our court system as a court orderly known as Constable Tomasi. We thank him for this special piece of work.

Upstairs you will see the two straightforward workaday courts. These are intended as small courtrooms for civil business, though they could be used for appeals in the Criminal Division or for miscellaneous matters such as variation of bail applications.

It is hoped that approval will be given shortly for the creation of a further High Court Criminal Court alongside High Court No. 3 to be High Court No. 7. As and when further space is released to Judicial within Government Buildings extra facilities can be provided such as a proper counsel's robing room, counsel's interviewing rooms, witnesses waiting room, and other necessary modern conveniences such as children or vulnerable witnesses rooms, washrooms, media room, and first aid rooms. Staff office facilities are still inadequate and it is to be hoped that there will be improvements in that area so that better accommodation could be given to Accounts Section, High Court Criminal Registry, and the Fines Collection Unit. There are other Sections I have not mentioned however equally requiring better facilities.

Two other works we hope to pursue are the renovations of existing court premises at Government Buildings and to carry out the substantial extensions to the Lautoka High Court. By renovations at Government Buildings I mean further works on the roof at those places where water leaks still exist which in turn destroy the paintwork on internal walls below. Once these roof works are complete repainting in courtrooms, chambers and other judicial department offices has to be carried out, floors sanded and repolished or carpeted, and much furniture repaired and repolished. Such work is long overdue.

The idea that public servants must compensate the general public for the privilege of receiving their salaries by eking out their working lives in sub-standard

Dickensian offices, broom cupboards or dungeons is not one I subscribe to. Clearly, within our nation's budget, we must progress to achieve reforms in these areas. Public servants cannot expect luxury, but they are entitled to simple, clean, appropriate and dignified accommodation for their work.

The Judiciary cannot exist and operate without funds allocated by central Government. Without funds we cannot hope to be efficient and independent. We cannot achieve these improvements without the will of government that we should prosper. It is clear however Government has been listening, indeed has been encouraging these developments. It is essential that the Lautoka High Court extension begin soon, since the judicial officers necessary to deal with the heavy caseload there are being appointed to Lautoka. Within the next 2 months there will be 5 High Court judges, and one Master based at Lautoka. We have to provide the facilities to permit them to carry out their important public function.

On that note I would like to thank all of those departmental officers who have given of their own time including last Saturday to work towards the finalisation of this project. They have co-operated with the contractors and sub-contractors, the IT personnel and the telephone staff. So many have helped in arranging the courts ready for the opening and assisted in last minute jobs of preparation and cleaning. Believe it or not public servants are human beings like everyone else. Many members of the Department have put a great deal of effort into the arrangements for today long after their paid hours of work, willingly and without recompense. They are to be commended for doing so, and the public I know would be delighted, as I am, without such selfless work attitudes. With such attitudes can we not make much more of our limited resources? I believe we can.

I have fond memories of High Court No. 1. I recollect the forensic skills of Mr Epineri Vula in cross-examination and the animated advocacy and industry of Mr Siddique Koya and the mitigation astuteness of Mr Faiz Sherani, all exhibited regularly here in this court. It was also the courtroom where the Court of Appeal used to sit, in the days of Justices Gould, Henry, and Spring. This courtroom has seen many a legal battle. I can remember too learning how important it was to know your judge. On one occasion I tried to convince a judge to change his earlier ruling.

The court clerk was a wise old bird with a bushy white head of hair. It was as if I were addressing my submission to him and not the judge for he listened intently to everything I said. He regularly shook his head in disapproval, squinted, glowered, and raised his eyebrows at my naivety. Perhaps he had the pulse on things. For sure enough my submissions were rejected.

I look forward to the clash of legal minds and energies in this courtroom again as well as in the new Civil Courts upstairs. May they serve the nation's interests and those of justice.

30<sup>th</sup> July 2010

A.H.C.T. Gates

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