

# FEDERAL COURT OF AUSTRALIA



FEDERAL COURT OF AUSTRALIA SOHE 2008



1 former high court building  
little bourke street melbourne  
aerial view feb1985



former high court building  
little bourke street melbourne  
front elevation jan1985



former high court building  
little bourke street melbourne  
side elevation jan1985

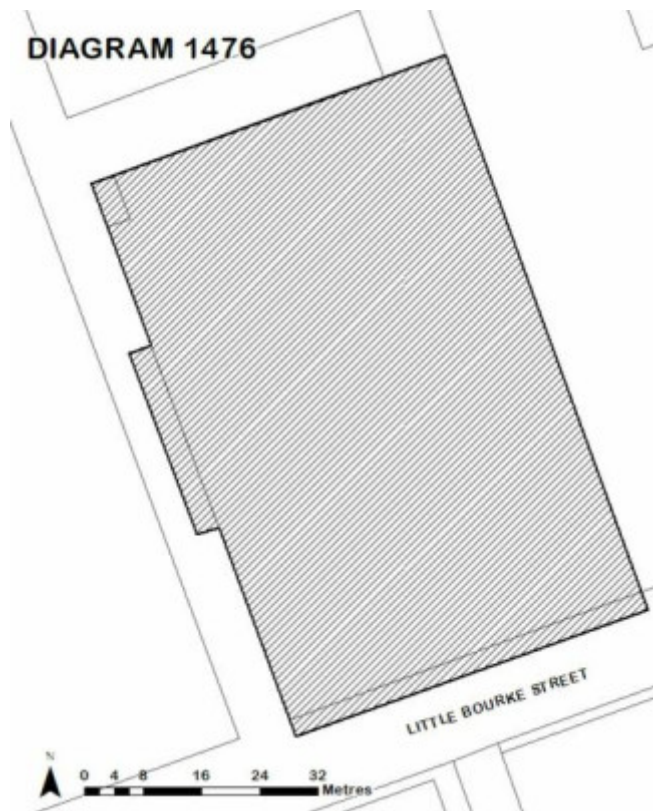


DIAGRAM 1476

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### **Location**

442-460 LITTLE BOURKE STREET MELBOURNE, MELBOURNE CITY

### **Municipality**

MELBOURNE CITY

### **Level of significance**

Registered

### **Victorian Heritage Register (VHR) Number**

H1476

### **Heritage Overlay Numbers**

HO698

### **VHR Registration**

August 20, 1982

### **Amendment to Registration**

August 10, 2023

## Heritage Listing

Victorian Heritage Register

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### Statement of Significance

Last updated on - March 3, 2023

#### What is significant?

The Federal Court of Australia, originally the High Court, was built in 1926 to a stripped Classical design by Chief Commonwealth Architect, JS Murdoch. Murdoch's building was a single storey structure with rusticated red brick walls on coursed basalt blockwork, housing three court rooms. It featured a dressed basalt surround to the central projecting entrance porch and flat parapets resembling those on the old Parliament House in Canberra. The Court was extended in 1935 by HJ MacKenna, chief architect for the Victorian Branch of the Commonwealth Works Department, with the addition of an upper storey in the same materials and style. These extensions were undertaken to house the High Court and minor Federal judicial bodies such as the Patents Office, the Office of the Receiver under the Federal Bankruptcy Act and the Melbourne offices of the Federal Crown Solicitor. In 1946 a rear first floor addition was made to the Library. Further additions were made in 1991-92, and restoration work was carried out.

#### How is it significant?

The Federal Court of Australia is of historical and architectural significance to the State of Victoria.

#### Why is it significant?

The Federal Court of Australia is of historical significance for its associations with the highest levels of Australian legal administration over a lengthy period, and as a reminder of Melbourne's dominance of federal politics before the development of Canberra. The building was originally designed as the High Court of Australia. Melbourne was the nation's capital from Federation in 1901 until 1927, but a new High Court was only opened in Canberra in 1980. Until then this building, and others in the other State capitals, continued to be used for sittings of the High Court. In 1977, the building became the Melbourne premises of the Federal Court, being used solely for this purpose after the opening of the High Court in Canberra. Since it began as the High Court of Australia, and continuing during its Federal Court incarnation, many important legal cases have been determined in the building, including ones dealing with uniform taxation legislation and the Banking Acts of 1945; the Melbourne Corporation Case (1946), which reinterpreted the role of the Federal and State Governments; the Menzies effort to ban the Communist Party (1951); and the Boilermakers' Case which held that the Commonwealth Court of Conciliation and Arbitration could not exercise judicial and arbitral functions. This case resulted in the creation of the Commonwealth (later Australian) Conciliation and Arbitration Commission to exercise the arbitral functions and the Commonwealth (later Australian) Industrial Court to exercise the judicial functions in the industrial field. The Federal Court of Australia is of architectural significance as an excellent example of the inter-war Stripped Classical style which characterised many Commonwealth buildings of the time, and as an early work of the fledgling Commonwealth Department of Works and its first chief architect, JS Murdoch. Stripped Classical became virtually the standard Commonwealth Government style in the inter-war years and is particularly evident in the public buildings of Canberra, such as the Old Parliament House (1927), also designed by Murdoch. The style is a simplified version of classicism, with vestigial Classical columns and entablature, but with minimal ornament and a strong horizontal emphasis. Its dignified conservatism was thought appropriate for major public buildings, while the reduction of ornamentation reflected modernism's rejection of unnecessary decoration, and gave the buildings a contemporary, even progressive, flavour. Murdoch was a major figure in the development of Canberra, being a judge of the competition to design the city and responsible for many of the capital's buildings himself. He was also responsible for a number of public buildings throughout Australia.

### Permit Exemptions

#### General Exemptions:

General exemptions apply to all places and objects included in the Victorian Heritage Register (VHR). General

exemptions have been designed to allow everyday activities, maintenance and changes to your property, which don't harm its cultural heritage significance, to proceed without the need to obtain approvals under the Heritage Act 2017.

**Places of worship:** In some circumstances, you can alter a place of worship to accommodate religious practices without a permit, but you must **notify** the Executive Director of Heritage Victoria before you start the works or activities at least 20 business days before the works or activities are to commence.

**Subdivision/consolidation:** Permit exemptions exist for some subdivisions and consolidations. If the subdivision or consolidation is in accordance with a planning permit granted under Part 4 of the *Planning and Environment Act 1987* and the application for the planning permit was referred to the Executive Director of Heritage Victoria as a determining referral authority, a permit is not required.

Specific exemptions may also apply to your registered place or object. If applicable, these are listed below. Specific exemptions are tailored to the conservation and management needs of an individual registered place or object and set out works and activities that are exempt from the requirements of a permit. Specific exemptions prevail if they conflict with general exemptions.

Find out more about heritage permit exemptions [here](#).

### **Specific Exemptions:**

Construction of kitchen including installation of associated services in ground floor in location indicated on plan.

#### **CONDITIONS:**

1. Exempt classes of works or activities are to be planned and carried out in a manner which prevents damage to the registered place/object. However, if other previously hidden original or inaccessible details of the object or place are uncovered, any works that may affect such items shall immediately cease. The Executive Director shall be notified of the details immediately to enable Heritage Victoria representatives to inspect and record the items, and for discussion to take place on the possible retention of the items, or the issue of a modified approval.
2. If there is a Conservation Policy and Plan approved by the Heritage Council or Executive Director, all works and activities shall be carried out in accordance with that Policy and Plan.
3. Nothing in this Declaration prevents the Executive Director from amending or rescinding all or any of the permit exempt alterations provided work has not commenced on the alteration.

Construction dates	1926,
Architect/Designer	Murdoch, John Smith,
Heritage Act Categories	Registered place,
Other Names	OLD HIGH COURT, HIGH COURT BUILDING,
Hermes Number	782
Property Number	

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## **History**

Contextual History:History of Place:

Source: Register of the National Estate

The Federal Court building is similar to other buildings of the time designed by Murdoch, in particular Old Parliament House, Canberra (1927), the Hotel Canberra, Gorman House, Hotel Kurrajong and HMAS Cerberus. Typical of these Stripped Classical buildings is a symmetrical facade divided into bays around a portal with vestigial Classical columns and entablature. In plan these buildings are divided into pavilions that are linked by corridors and lit with skylights. Internally the High Court Building and the Old Parliament House building are similar with coffered ceilings, timber panelling using Australian timbers and attention to detailing with decorative grills to vents. Directly developed from the English Imperial style of Sir Edwin Lutyens, this inter-war stripped Classical style became the favoured Commonwealth style, which is evident in the architecture of Canberra

Associated People:

## Extent of Registration

### NOTICE OF REGISTRATION

As Executive Director for the purpose of the **Heritage Act 2017**, I give notice under section 53 that the Victorian Heritage Register is amended by modifying a place in the Heritage Register:

Number: H1476

Category: Registered place

Name: Federal Court of Australia

Location: 442-460 Little Bourke Street Melbourne

Municipality: Melbourne City

All of the place shown hatched on Diagram 1476 encompassing all of Crown Allotment 2091 City of Melbourne Parish of Melbourne North and Crown Allotment 13B Section 19 City of Melbourne Parish of Melbourne North, and part of the Little Bourke Street road reserve extending from the building facade to the kerb.

Dated 10 August 2023

STEVEN AVERY

Executive Director

*This place/object may be included in the Victorian Heritage Register pursuant to the Heritage Act 2017. Check the Victorian Heritage Database, selecting 'Heritage Victoria' as the place source.*

*For further details about Heritage Overlay places, contact the relevant local council or go to Planning Schemes Online <http://planningschemes.dpcd.vic.gov.au/>*