



**Remarks of the Honourable Marilyn Warren AC  
Chief Justice of Victoria  
on the occasion of the 50<sup>th</sup> Anniversary  
of the hanging of Ronald Ryan  
on Friday 3 February 2017  
Supreme Court Library**

I acknowledge the traditional owners of the land on which we gather this afternoon, the Wurundjeri people of the Kulin Nation, and pay my respects to their Elders past and present. I also reflect that the very first sentences of hanging occurred 175 years ago here in the colony Port Phillip. Judge Willis, the first judge of the Supreme Court, sentenced two indigenous men to be hanged, and so they were.

I also express my sadness and sympathy to the Hodson and Ryan families and friends for their enduring grief.

It is, as Justice Lasry has said, 50 years from eight o'clock this morning when Ronald Ryan was hanged.

Those of us who are of an older generation remember full well what was happening at that time. There was an extraordinary public campaign to save the man Ronald Ryan. The media, in particular the *Sun* newspaper, took a leadership role in the community to have him reprieved. The execution proceeded.

This afternoon reflects in many ways a generational experience. Those of us who were alive at the time or old enough to remember reflected today on where we were at that stage of our lives. The people of Victoria were in a state of genuine fear when Ryan and Walker escaped from Pentridge. People locked their doors and windows, they were frightened. The capture of the two men was a matter of high drama. The community was relieved and I am sure had a strong sense that

justice would be done with respect to the two men. But an extraordinary thing happened in Victoria, particularly in Melbourne. Whilst there was acceptance even satisfaction in the conviction of Ryan, there was a turnaround as to him being sentenced to death. There was a concern as to the execution of Ryan. A movement developed. There are many people in this room today who were present at the vigil outside Pentridge both before and when the hanging occurred. They remember how they felt at the time. It is important for us to reflect on our experience at the time. I am so pleased that there are very many young people here this afternoon who can empathise with the experience of the time and understand the dramatic impact on this Court and Victoria's legal history of the sentencing and hanging of Ryan.

I have reflected over the last few days on what it must have been like to be his Honour, Mr Justice Starke. The contemplation of the experience is really hard to imagine. You saw this evening

the actor, John Stanton, playing the part of Mr Justice Starke come into the courtroom from behind the screen that sits behind the judge's chair. Beyond the screen there is a very narrow dark space where a judge usually waits before coming into Court. Behind that space there is a door and then there is a winding stone staircase. What it must have been like to be his Honour walking down the corridor from his chambers, taking his hand onto the rail of the stairway and treading slowly, heavily, down the stairs anticipating what he might shortly have to do. It must have been gut-wrenching and excoriating. After Mr Justice Starke had fulfilled his judicial duty and adjourned the Court, he reversed his steps and went, I am sure, wearily, heavily, up the stairs to his chambers late at night in the darkness of the Court. And later, having done his judicial duty, Mr Justice Starke when he was informed that Ryan had been hanged, must have experienced a unique sorrow.

We might also reflect on the experience not only on the individuals, Ryan, Mr Justice Starke and others, but reflect on all the people involved. The counsel, the solicitors, the court staff, the shorthand writer, the prison staff and the jurors. How they must have felt.

I welcome everyone here to this solemn, sombre occasion. The Supreme Court has held the re-enactment and this afternoon's discussion because it was a significant time in this Court's history and in Victoria's history and development as a humane democratic society based on the rule of law.

It is my privilege to introduce our speakers. So close to the man Ronald Ryan and the legal protests and events that surrounded the hanging, first of all Brian Bourke. Brian Bourke acted as junior counsel for the defence in the Ronald Ryan case. He has been a lawyer for over 60 years and is the longest practising member of the Victorian Bar with over five decades as

a barrister. He is a much loved individual and acknowledged eminent criminal advocate. He is a man who has played such an important role in the administration of criminal justice in this State. Brian Bourke will be reflecting on his experience of Ronald Ryan and some of the events that surrounded the hanging.

Second, Mike Richards. Mike Richards is the author of the book, *The Hanged Man: The Life and Death of Ronald Ryan* that was published in 2007. Mike Richards interviewed a number of the key figures in the trial including Mr Justice Starke. Mike Richards will be reflecting on the people involved in the historic trial, particularly the judge.

Third, Dr Barry Jones AC. Barry Jones, a former federal Minister for Science who rose to early fame in the community from his quiz show prowess. He became an extraordinary community leader campaigning strongly against the death penalty from 1962 to 1967. He was one of the main community

leaders trying to achieve a reprieve for Ronald Ryan. Barry Jones will be reflecting on the movement to abolish the death penalty.

And one last thing, I do wish to acknowledge the role of my colleague Justice Lex Lasry in achieving the commemoration here this afternoon. As we know, his Honour has played an extraordinary leadership role in relation to death penalty cases beyond Australia and has experienced firsthand what it is like to be involved in those cases and their consequences. I pay tribute to Justice Lasry for all that he has done with respect to capital punishment and I acknowledge and thank him deeply for what he has done to achieve today.