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THE SUPREME COURT OF

WESTERN AUSTRALIA

CEREMONIAL SITTING FOR THE OPENING OF THE
DAVID MALCOLM JUSTICE CENTRE

FULL BENCH

TRANSCRIPT OF PROCEEDINGS

AT PERTH ON WEDNESDAY, 27 JULY 2016, AT 4.33 PM

MARTIN CJ: Be seated, please. The court sits this afternoon to mark and celebrate its occupation of new premises in the David Malcolm Justice Centre. Before going any further, I would like to acknowledge the traditional owners of the lands on which we meet, the Whadjuk People who form part of the great Noongar clan of South Western Australia, to pay my respects to their elders past and present, and to acknowledge their continuing stewardship of these lands and I note in this context that there was an appropriate welcome to country provided when the building was opened last month.

I would like to welcome all who've taken the trouble to attend this afternoon, but to particularly welcome those who've agreed to address the court, being the Honourable Michael Mischin MLC, Attorney General of Western Australia; Ms Elizabeth Needham, President of the Law Society of Western Australia; and Mr Matthew Howard SC, President of the WA Bar Association.

I'm also very pleased to welcome and acknowledge a number of special guests, including Kaaren and Manisha Malcolm; the Honourable Jim McGinty AM, former Attorney General of Western Australia; Mr John Quigley MLA, Shadow Attorney General; the Honourable Malcolm McCusker AC, former Governor of Western Australia; Justice Stephen Thackray, Chief Judge of the Family Court of Western Australia; his Honour Kevin Sleight, Chief Judge of the District Court of Western Australia; Judge Denis Reynolds, President of the Children's Court of Western Australia; Chief Magistrate Steven Heath; Justices Gilmour, McKerracher and Barker of the Federal Court of Australia; Mr Peter Quinlan SC, Solicitor-General; Mr Joe McGrath SC, Director of Public Prosecutions; Ms Ros Fogliani, State Coroner; Mr George Tannin SC, State Counsel; Mr Paul Evans, State Solicitor; and retired members of this and other Courts.

I would also like to particularly welcome a number of special guests who were involved in the substantial project relating to the design and fit-out of the court's premises. I hope they will not be offended if I defer listing them by name until I come to that portion of these remarks in which I express my appreciation to the many people involved in bringing this important project to completion.

This sitting marks an important milestone in the life and history of the State's highest court. It has to be said that it seems to have been a long time in coming. However, a brief review of the history of the premises

occupied by the court since its creation in 1861 might help put this timeframe in perspective and also to illustrate the significance of these premises and of this occasion.

After its creation in 1861, the Supreme Court initially sat in the courthouse adjacent to the jail in Beaufort Street, in what's now called Northbridge. However, in 1863 the court returned to the courthouse built in 1836 on the banks of the river, adjacent to the stairs leading to the jetty at which goods and passengers arrived from Fremantle and which gave Pier Street its name. That building remains and now accommodates the Francis Burt Law Education and Museum Program.

In the history of the Supreme Court, Bolton and Byrne note that hardly a year went by without complaints in the press about the inadequacy of that building. In the winter of 1867, Chief Justice Sir Archibald Burt was seen presiding under an umbrella as protection against the leaking roof. I'm confident that there is little likelihood of that experience being repeated in this building.

Shortly before his death in 1879, Chief Justice Burt published a notice announcing the relocation of the court from the then dilapidated building to new premises in the refurbished building which had formerly housed the Commissariat Store in Stirling Gardens adjacent to the old courthouse. This building was also the subject of repeated complaint. Bolton and Byrne record a parliamentarian's complaint that when a fire was built up to improve the chilly temperature in the courtroom, the smoke was so bad that the Chief Justice had to grope his way through dense fog to find his seat on the Bench. I'm pleased to note that so far the air-conditioning in this building appears to be working rather better than that fire.

The rapid growth in the population of the State due to the gold rush in the late 19th century resulted in corresponding growth in the work of the court and in the number of the judges of the court. By 1898, then Chief Justice Sir Alexander Onslow and his judicial colleagues were openly complaining about their accommodation, not least because there were less courtrooms than judges. Then Premier Sir John Forrest was unmoved by the proposal for an entirely new court building and instead ordered the repair and recommissioning of the old 1836 court building together with the fitting out of Trinity Church Hall as a temporary third court.

I digress to observe that this use of makeshift and make-do accommodation has a certain contemporary resonance given our experience over the last 20 years or so, but by 1900 the Government relented, perhaps because its coffers were bulging with the proceeds of the gold rush, and the decision was made to build a new court building on a site occupied by the old Commissariat building and what had been the banks of the river before land reclamation work took place.

Despite a Royal Commission having been appointed to inquire into the materials used for the construction of that building and a significant budget overrun, the building was opened in June 1903, and like its predecessors, was immediately the subject of significant criticism. However, rectification works were performed and the building served the court's needs until 1987 when an extension was built on the eastern side of the 1903 building. Although the extension added to the accommodation available to the court, it must be said that it has not made a significant contribution to the amenity of the area.

Upon his appointment in 1988, Chief Justice David Malcolm immediately realised that the recent extension to the court building would still not provide adequate accommodation for the court in the longer term. He promptly initiated a major project for the preparation of design concepts and accommodation requirements for a new court complex which would meet all the needs of the court for the indefinite future.

Justice Robert Nicholson chaired a committee charged with the responsibility for the project and I'm very pleased that he has been able to join us this afternoon. I served as the Law Society's representative on that committee and remember its work, which commenced in 1989, particularly well because his Honour was of the view that 6 am was the ideal time of the day for committee meetings. Lots of brainstorming and butchers paper was involved and we hatched a grand plan for development on the site adjacent to the 1903 building.

Chief Justice Malcolm was squarely focused on a solution which met all the accommodation needs of the court on one site, but despite extraordinary efforts directed to achieving that outcome over the almost 18 years of his term as Chief Justice, sadly, that objective was never realised and is now unlikely to be realised for the foreseeable future. However, the character and quality of the accommodation provided in this building for the conduct of

the civil work of the court provides very well for that aspect of the court's jurisdiction and it's entirely fitting that these premises are located in a building bearing David Malcolm's name.

Court buildings are important symbols of the significance of law and order to a community governed in accordance with the rule of law. Clearly, the architect of the 1903 building in Stirling Gardens, Mr John Grainger, understood the importance of the symbolism provided by the building's architecture. The imposing columns, the high portico bearing the Coat of Arms of the Royal Family, the grand foyer capped by leadlight domes and embodying a grand staircase all speak eloquently to any visitor of the importance of the work done in that building to the governance of the community.

The symbolism of court building is as important today as it was in 1903. However, different symbols are appropriate to a contemporary building of doing only civil work, that is, work involving the resolution of disputes and the grant of probate. In such a building, there is not the same need to symbolise the power and authority of the court as in a building in which criminal work is conducted. Nevertheless, the importance of the work conducted in this building is symbolically reflected in the grandeur of the foyer and its scale, but the general effect is deliberately intended to be and I think is welcoming rather than potentially intimidating.

Consistently with that approach, our security-screening devices are not on general display and their configuration and arrangement is more discreet than in any other court building I've seen in Australia. I can assure that the lattice-like barrier screening the lift foyer from the public entrance is only temporary and will be replaced by fixed glass, hopefully before too much longer.

The same design ethos has permeated all public areas of the building. The focus has been upon the provision of waiting and meeting spaces which welcome the visitor and provide a comfortable ambience. Light wood has been used throughout rather than the darker wood which creates the more-sombre mode often associated with more traditional court buildings. Extensive use has been made of the natural light provided by a building with glass on all sides and all courtrooms have delightful views. Curved walls have been used throughout the building in order to avoid the monotony that can be associated with regular rectangular spaces.

Because the primary focus of the work conducted in this building is the resolution of disputes, key design criteria focused upon the efficient use of the spaces, the provision of spaces which can be used flexibly having regard to the range of procedures now utilised by the court and the provision of what I like to think are the most impressive and functional mediation spaces in Australia.

There are some specific design aspects of the courtrooms which I would like to mention. We've adopted the Victorian model under which the first row of bar tables is wide enough to accommodate instructing solicitors sitting facing counsel so as to improve communications between solicitors and counsel. Use of the bar tables in this way is not compulsory, but I'm confident that the profession will be quick to realise the advantages of this practice.

Witness boxes have been designed to accommodate more than one witness to enable evidence to be received from a number of expert witnesses concurrently, as is now our common practice. The interests of occupational health are served but the capacity of the judge to raise a section of the bench so as to stand while sitting, as it were. Natural light and ambient views are a feature of every courtroom in the building, as are the provision of a range of meeting rooms for use by the parties when not in court.

Recent years have seen significant changes in the way in which the court conducts its civil business. That business is now critically focused upon case management and dispute-resolution techniques, most particularly mediation. Case management is often conducted in a less-adversarial and more collegiate environment in order to encourage a more-collaborative and constructive approach and experience has taught us that spaces do matter in this regard.

Different cases need different spaces both as to size and as to furniture configuration. The changing nature of our accommodation needs over the last 10 or 20 years is very likely to continue over the period of up to 50 years in which we might be occupying these premises. The rapid and continuing development of information technology means that it's very difficult to predict with confidence what our accommodation needs will be over that period.

All of these considerations led us to conclude that we needed a set of hearing spaces that could be flexibly configured and used for different functions, perhaps case management one day and a mediation the next. We've called these spaces "multipurpose hearing rooms" and there are

more of these spaces than any other type of hearing room in the building, 12 in all, as compared to eight courtrooms and eight dedicated mediation suites.

The advantage of these spaces is that if, as we expect, demand for mediation continues to increase, that demand can be met by use of these spaces. The furniture in these spaces is all modular and can be reconfigured quite easily to suit the needs of the day and the cabling for the various electronic devices which are so indispensable these days is provided at points in the floor which can accommodate different furniture configurations.

As I've already mentioned, mediation is, of course, a very significant component of the dispute-resolution services provided by the court. Mediation spaces provided in this building represent the current state of the art and I'm not aware of any better mediation suites anywhere else in the country. They include two large mediation suites separated by a sound-rated, moveable divider which, when removed, provides a very large mediation space suitable to a case involving many parties. Each mediation suite is served by a number of break-out rooms available for the parties to the mediation and all of those rooms have either direct natural light and windows providing ambient views or, in a few cases, referred natural light.

The court's premises have been equipped with state-of-the-art technology, including audio-visual technology in all courtrooms and multipurpose hearing rooms and in some of the mediation suites. Participation in court proceedings by video link from remote locations is now an everyday occurrence and the high quality of these facilities is likely to encourage that trend to continue, improving efficiency and reducing cost.

Little things, like the very small microphones that you see on the bar table which pick up and amplify everything that is said, also reflect technology which is the current state-of-the-art and by avoiding the unsightly goosenecks which are often seen in other courts, improve the ambience of our spaces and so far the acoustics in our hearing rooms seem to be very good.

Although we've not been able to provide Wi-Fi service for court users, the design specifications of the building require full-strength 4G services to be available in all parts of the building so court users with devices served by a telco service provider will be able to use those mobile devices throughout the building. Our efficiencies will be further increased when full electronic lodgement services

become available through our registry, which I hope will occur some time next year. None of these features would have been possible without the generous provision of resources by the Government for which we are most grateful.

The Attorney General and Treasurer at the time this project was announced, the Honourable Christian Porter, assured me that the budgetary provision for the design and fit-out of these premises would be more than adequate for our needs and that assurance has been maintained and honoured by his successor, the Honourable Michael Mischin. The quality of the fit-out is first-class throughout as reflects and befits the State's highest court.

We are well aware of the many competing demands for limited public resources and, in my respectful view, the provision of the resources which will enable this court to perform its civil work in comfortable and efficient premises utilising state-of-the-art technology reflects great credit on the Government which has provided those resources. In this context, at the risk of appearing churlish, I am, however, obliged to politely observe that while the design and fit-out of these premises cannot be faulted, the overall arrangements for the accommodation of the court remain less than optimal, essentially because the objective first enunciated by David Malcolm of all accommodation needs being met on a single site has not, in fact, been achieved.

The court continues to conduct its business on three separate sites and, as an example, on each and every day since hearings resumed after the recess, I've spent part of my day in this building and part of my day in the Stirling Gardens building. While I'm sure this will improve my health and fitness and my Fitbit stats are much improved, my staff are not so enthusiastic about the need to move files and other resources between buildings on a daily basis and, of course, time is lost in the process.

We're going to have to get a bit better at planning these things because a few minutes ago when I went to put on my robes this afternoon I realised that they were in the building in Stirling Gardens leading to a rather frantic dash by my orderly, Stan Covell, who happily is a pennant-standard squash player and was able to get back in time. But because we're unable to conduct criminal work in this building, there are judges of this court who have their chambers in this building who will virtually never sit as judges in it but will conduct all of their work in either

the Stirling Gardens building or the District Court building.

I will, however, bringing this modest grumble to a conclusion by again acknowledging that it's the obligation of the Government as the elected representative of the people, accountable to the electorate, to determine how limited public resources are allocated and it must make difficult choices between competing priorities and that is the context in which decisions with respect to court accommodation must be viewed.

Court premises of this quality do not occur by chance. They only come about as a result of a lot of sustained work and effort by a large team and I'm very pleased that a number of members of that team have been able to join us this afternoon in order that I might express my personal gratitude for their very considerable efforts. I would like to first thank the architects involved, namely, Peter Hunt Architect and, in particular, Mr Ron Edenburg who was instrumental in the original design concepts and parameters.

That work was followed by excellent design development collaboration between Mr Graham Hunt, also of Peter Hunt Architect, and Ms Geraldine Maher from Jackson Architecture in Melbourne who worked tirelessly and very effectively in developing the detailed design which corresponded to those initial parameters and so ably implemented our requests and requirements and they were very ably assisted by Mr James Edwards. I give a special mention also to Ms Maher who took responsibility for the interior design and fit-out, including finishings, textures, aesthetics and the like.

The project was overseen by officers of the Building Management and Works section of the Department of Finance, particularly Mr Graham Sandover and Ms Louise Armstrong who also made a very considerable contribution to the design process. Representatives of the contractors who fleshed out and implemented much of the technical aspects of the design included Mr Gordon Bateup and Mr Mario Macri of ACORPP, Mr Matthew Buss of Ralph Beattie Bosworth and Mr Graham Smythe of NS Projects.

Various people I've mentioned worked closely together and with the various committees of the court which were created to oversee the design of particular areas of the premises. One committee was directed to overseeing the design of the hearing rooms, another to chambers and another to the registry floors. All of those committees

then fed into an overall building committee which was supported by all of the people to which I've referred. I also take this opportunity to thank the many judges who contributed a great deal of time and effort to the work of those committees.

That work was also strongly supported by many officers of the Department of the Attorney General, too numerous to name, I'm afraid, who were actively involved in the project, including officers of the courts division, the IT area, the property and assets area, the security area and so on. I would also like to particularly mention and thank the artist responsible for the major work which you will have noticed in the area adjacent to the lifts on this level, Ms Jo Darbyshire, and who, with Mr Rick Verney - Vermey, I'm sorry, created the DigiGlass panels in similar places on the other public floors.

Together with Ms Trish Bygott and Mr Nathan Crotty, they're supported by a team of helpers who we have to thank for the tapestry version of the State crest which is on the wall immediately behind me. Within the staff of the court, of course, there were many people involved in the project and, more recently, in the very substantial logistical exercise involved in moving a large part of the court from the old building in the Gardens and from the building at 111 St Georges Terrace to these new premises.

It's invidious to single out any particular members of the very large team involved but I will take the risk of doing so in order to make specific mention of Mr Rob Christie, the court's Executive Manager, who has worked very effectively to ensure a painless transition, very thoroughly and fully supported by Ms Kelly Martinelli and Ms Mike Selenza who applied similarly dedicated effort to their tasks.

I would also like to particularly thank the contractor responsible for the fit-out, Broad Construction, and the site supervisor, Mr Cyril Cale, who've done an exceptional job of high quality delivered in time to enable us to move during the recent recess as planned. Finally, the move was undertaken by Pickfords whose service was outstanding.

Despite my little grumble earlier, let there be no doubt that I and all the members of this court are very pleased with and proud of our new premises. These premises will provide the court with an improved capacity to meet the needs of the community which we serve and, in particular, to assist members of that community to resolve

their differences and disputes peacefully, efficiently, fairly and justly.

Of course, our ability to achieve outcomes with those important characteristics depends critically upon the quality of the services provided by the judicial officers and by the staff of the court and, in particular, the quality of our interactions with, and our responsiveness to, the needs of the litigants who come before the court. But these new premises will provide us with the working environment in which we can hone and improve our skills and services. On behalf of the court, can I again conclude by thanking the government for the provision of these excellent premises and by expressing the confident hope that they will better enable us to serve the Western Australia community. Mr Attorney General.

MISCHIN, MR: Thank you, your Honour, and may it please the court. It gives me great pleasure on behalf of the State Government to address this ceremonial sitting marking the commencement of the Supreme Court of Western Australia's operations in this new facility. The opening of the Supreme Court is the final element of a significant public infrastructure project to redevelop unused state buildings and to rejuvenate the city block by creating the St Georges Terrace heritage precinct.

That project has included the refurbishment of the Old Treasury building, the relocation of the State Administrative Tribunal, the development of a new city library and the construction of this tower with long-term leases by a government that provides certainty for future court accommodation. At a budgeted cost of \$55 million, the fit-out of the Supreme Court has led to the outstanding outcome that we witness today. This facility sets new standards in meeting the needs of court users.

The high quality fit-out is complemented by direct access to natural light and outside views from court and hearing rooms, contributing to the ambience of the environment in which litigants, and those whose duties bring them to the court, find themselves. Access to natural light extends beyond generous public waiting areas to the many interview rooms that facilitate confidential discussion between counsel and parties, so important to the resolution of civil disputes in a contemporary court environment.

The 28 hearing rooms include a mix of formal courtrooms, informal conferencing facilities and mediation

suites that will enable the court to deal effectively with its civil business for many years to come. I say many years with confidence because the fit-out has been developed with the future in mind. And his Honour has already outlined some of the features that will future proof, as it were, the work of the court.

Many of the hearing rooms have been designed to be able to be conveniently rearranged to meet any change in need for both formal and informal spaces without having to re-cable the integrated technology. In addition, should future demand so require, level 5 can be redeveloped to increase the number of hearing rooms, and level 16 is available for additional judicial chambers. In the meantime, the court has at its disposal some of the best facilities in the country in order to deal with its civil business.

The court users will appreciate the security achieved through the use of airport-style screening, closed-circuit television and roaming security staff who can respond swiftly to incidents. Efficiency and convenience are enhanced through hearing rooms equipped with the latest technology for video links, teleconferencing and evidence presentation systems. Access to justice has been enhanced in hearing rooms through infrared systems to assist those with hearing difficulties through the provision of on-site facilities for the media and through systems that enable court proceedings to be broadcast to school and educational tour groups.

In short, this fine facility not only complements the heritage precinct referred to earlier and through its presence and the activity it attracts rejuvenates this much neglected section at the heart of our capital, but it also serves to create in combination with other court and tribunal and legal services facilities in the immediate surrounds our city's legal precinct. On behalf of the State Government, I welcome the court to its new accommodation. I wish it well in its continued delivery of first class justice services to our community. I hope that you all enjoy your stay here. Don't lose or break it because you won't be getting another one in a hurry.

MARTIN CJ: Thank you, Mr Attorney. Ms Needham.

NEEDHAM, MS: Thank you, your Honour. May it please the court. It is my privilege to appear today - excuse me - representing the legal profession in Western Australia through the Law Society. I begin by adopting the respectful acknowledgement of the Honourable the Chief

Justice, of the Whadjuk people, one of the 14 clans of the Noongar nation, and join in paying my respects to their elders, past and present. This ceremonial sitting marks the culmination of work that has been undertaken over many years by a number of stakeholders, notably, your Honour the Chief Justice and the Honourable Attorney General.

For over two decades, your Honour, and your Honour's predecessor, the Honourable David Malcolm AC, QC, after whom this building is appropriately named, endeavoured to draw public attention to the inadequacy of the court's facilities and the need for a dedicated modern building such as this. I am sure your Honour will therefore take a good deal of satisfaction in seeing the establishment of this impressive new home and for the general division of the court. For the Honourable Attorney General too, this will no doubt be a proud occasion, having seen a large project come to fruition.

Befitting its status as a state-of-the-art facility for the general division of this honourable court, the new building reflects the changes that have taken place in litigation over the years, its design contrasting significantly with that of the old Stirling Gardens courthouse. The litigation process in 2016 is rather different to the way it was back in 1903 when the old Supreme Court building opened.

At that time, this court's governing act and its rules were predicated on and used the language of adversaries lumbering towards the inevitable trial, with language such as trying and determining, and without reference to conferral, mediation or conciliation. Any settling of matters was, at that time, left to occur outside the formal process. Although our system remains adversarial, over the course of the last century, our community, with the encouragement of our profession, has adopted less adversarial methods of dispute resolution, and embraced wherever possible a consensus resolution.

We know that this is in the parties' best interests, as well as that of the public at large for reasons of efficiency, cost to the individual, and to the public and for the wellbeing of the parties, thus proceeding to and completing a trial is now the dispute resolution method of last resort. This change is reflected in the number of mediations undertaken by registrars and judges in this court, which, in the civil list, has about doubled in the last 15 years. It is, therefore, welcome that this new building should include proper facilities for mediation and

hearing rooms that are very flexible in their layout and uses.

This idea of reaching positions by way of consensus is not confined to mediation. The Honourable the Chief Justice has referred to the redesigned witness boxes to allow for the - for a number of expert witnesses to give evidence concurrently. And this too is welcomed. Although I must admit the colloquial term of hot tubbing is most unfortunate in the imagery it instantly conjures up for some clients. The case of technological advancement grows ever faster. The practice of law, let alone the law itself, can at times struggle to keep pace with its use and the effect it has in litigation, both in terms of running litigation but also in the production of evidence. Now it seems almost impossible to run a legal practice without email, despite the fact that the web-based services only appeared 20 years ago. And as for Facebook, an adolescent at 12 years old, many of us may wish our clients were not quite so free in their opinions on it.

The facilities in this building means it will be well placed to deal with these challenges, as best we can currently discern what they may be. What will that future technology look like, how will that affect the litigation in the courts of the not too distant future? This building is anticipated as being the home for the General Division for many years to come. Futurists and technology boffins might have us believe that we will soon all be replaced by robots or, more properly described, by cognitive computing.

What of the prospects of computers like Watson and Ross, where Watson is set to undertake the bar exam in the United States later this year, and Ross Computing Services already makes claims to the level of research that it can undertake. I can feel the uncomfortable shift of many practitioners at the mention of these machines, but they are precisely that. Machines that operate on a machine code, a simple binary system that even with what we know about quantum computing, such as changing states on the basis of observation, and the embedded information stored within the binary system, it is still a machine that operates by seated parameters.

Despite a technologically advanced building, what will not change is that the justice system is for and about sentient beings. Clients who make decisions based on something other than those criteria that artificial intelligence can put into a binary system. And the legal system and judiciary that can not only interpret emotion

but can, through their integrity, humanity and compassion, dispense and aid in dispensing real justice.

So whilst this building might allow for the hardwiring of a Watson or a Ross system, all the technology as we presently know it will be aids to justice, overlaid or wrapped up in what our community considers and expects from the legal profession and the judiciary, to be the very best of humanity.

Which brings me to the Honourable David Malcolm, after whom this building is named, a towering figure in the state's judicial system. He served with great distinction as chief justice of this court as from 1988 to 2006, a record term of 18 years. A well-gained and deserved reputation not just in this state but also nationally and internationally, for his erudition, integrity and vitality. This new building will stand as a fitting tribute to his legacy.

It has been a pleasure today to address the court on such a momentous occasion. This building is a magnificent new home for the General Division of this honourable court. May it please the court.

MARTIN CJ: Thank you, Ms Needham. Mr Howard.

HOWARD, MR: May it please the court, it is my privilege to appear this afternoon at this ceremonial sitting on behalf of the WA Bar Association. Since people have congregated and formed tribes and societies, certain places and buildings have been set aside for particular functions and purposes. Sometimes that occurred for entirely practical and mundane reasons but, more usually, such places or buildings were set aside to create a sense of the special, if not mystical.

That there has been a relationship between people and place across all societies strongly suggests that the relationship is both important to and inherent in our human condition. And that would seem to be a most appropriate point for the bar to also acknowledge the traditional custodians of the place on which this building has been constructed. I would offer that there are at least two reasons for our, as a species, relationship with particular places and buildings.

The first is that we are all aware at some level of our short span on the planet. A building, particularly a grand building, suggests something far more enduring. Buildings have the capacity to inspire and to lift our

thoughts and sense of self above the ordinary and the day-to-day. Secondly, they assist in the creation of ritual. Both of these are significant in the administration of justice the life of our society.

Fairness, openness, independence, people being heard and respected, are values which underpin the rule of law in our society. They are also values which we hope endure beyond anyone of our lifetimes. This building is a symbol of those values. That the building appears large and permanent says something of our hopes and desires for those values as well. Although ritual is, from time to time, much derided, it remains significant.

It has the capacity to induce respect and contributes to our sense that something serious and out of the ordinary is being done. This impressive building and its rooms will more than satisfy those less tangible needs and desires. It will also, as your Honour the Chief Justice has described it, meet the practicalities of what the court needs to administer its civil jurisdiction in this day and age.

Importantly, the building is a most tangible sign of the value and importance which the administration of justice holds in our society. That signal, of course, is sent in these such matters by the executive government of the day. While an equal arm of government, the court is obviously dependent on the executive for its accommodation. The bar, with respect, congratulates the government for bringing this project to its conclusion.

The bar also wishes to acknowledge the efforts of both the Honourable David Malcolm and your Honour the Chief Justice, in ensuring that this project was never far from the government's mind. As much as can be said for the symbolic importance of this building, if what occurs in it does not live up to society's hopes and aspirations as described then the building will not achieve anything of itself.

While today's ceremonial sitting is to focus on the physical, that will only have a significance if society continues to be well served by its judges and the others here engaged in the administration of justice. As your Honour the Chief Justice has indicated, the rooms of the court have been designed to encourage participation rather than to alienate. That is to be welcomed, but it must still be recognised that there are significant barriers outside of the court building to many people accessing the courts and so justice.

The expression "Justice for all" is a redundant one, for if there is not justice for all then there is no justice. Society can continue to be confident that its judges embody its hopes and aspirations for the rule of law and the impartial exercise of judicial power. The legal profession, including the bar, has its own important role to play in serving society and furthering the administration of justice. The bar looks forward to continuing to perform its important role in this new building. May it please the court.

MARTIN CJ: Thank you, Mr Howard. Before concluding this ceremonial sitting, I would like to again express, on behalf of the court, our gratitude for all of those who have worked so hard and so effectively to achieve this important milestone in the in the life of the court. I would also like to thank all of those who've shown sufficient interest in the work of the court to give up your time this afternoon to attend this sitting. Court will now adjourn.

AT 5.11 PM THE MATTER WAS ADJOURNED ACCORDINGLY

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