



# THE DISTRICT COURT OF WESTERN AUSTRALIA

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# WELCOME

“To do right to all people, according to law, without fear or favour, affection or ill will.”

Welcome to the District Court of Western Australia which is the State's intermediate court with responsibility for both criminal and civil matters.

The District Court building in the heart of Perth accommodates some 28 District Court judges who also travel to major regional centres throughout the State. The building's impressive exterior marks it as an iconic structure in the central business district. It sits at the heart of a legal precinct, linked to the Magistrates Court on the opposite side of Hay Street and is close to many lawyers' chambers.

Completed in mid 2008, the District Court building houses the State's first purpose-built, high security courtroom and features a vast range of advanced safety and security features and leading-edge technology.

The size, design and use of natural light throughout the building make the District Court of Western Australia a welcoming and functional place for everyone who conducts business here, as well as its many visitors.

In particular, it creates an appropriate environment for all those committed to serving the Western Australian community by “doing right to all people, according to law, without fear or favour, affection or ill will.”

Antoinette Kennedy  
CHIEF JUDGE OF THE DISTRICT COURT

# ROLE OF THE DISTRICT COURT OF WESTERN AUSTRALIA

The District Court of Western Australia was established on 1 April 1970.

While the prevailing judicial system of the Supreme Court, the Local Courts and Courts of Petty Sessions had been adequate, the rapid expansion of Western Australia's population required the establishment of an intermediate system of courts. Another Court was also needed to relieve pressure and avoid a backlog of cases in the other courts, especially the Supreme Court.

The District Court of Western Australia was therefore established as a court of record, with criminal and civil jurisdiction, to provide a flexible framework to accommodate the needs of Western Australia in the administration of justice.

In 1971 civil trials were temporarily held in the Public Trust building behind St George's Cathedral, although criminal trials continued to be heard in the Supreme Court. From April 1982 the District Court was relocated to the Central Law Courts at 30 St George's Terrace allowing both criminal and civil cases to be heard in the one building.

In 1999, due to continued growth in the Court's caseload, the District Court took possession of four additional criminal courtrooms created in the May Holman Centre adjacent to the Central Law Courts. The District Court was based in Central Law Courts and the May Holman Centre until relocating to its current, purpose-built CBD headquarters at 500 Hay Street, Perth.



# ROLE OF THE DISTRICT COURT OF WESTERN AUSTRALIA

As well as the main registry in this building, there are registries in Albany, Broome, Bunbury, Busselton, Carnarvon, Derby, Esperance, Geraldton, Kalgoorlie, Karratha, Kununurra and South Hedland. Judges are based in Perth and travel on circuit to these regional centres on a regular basis. Some of the judges' responsibility is delegated to registrars.

The Court deals with serious criminal offences for which the maximum penalty is 20 years' imprisonment (for example, serious assaults, sexual assaults, serious fraud and commercial theft, burglary and drug offences). A jury of 12 community members decides whether a person accused of a criminal offence is guilty or not guilty. An accused person may choose to have a trial by judge alone.

In civil law, the Court deals with matters generally involving claims of up to \$500,000, and up to \$750,000, from January 2009. It has unlimited jurisdiction in claims for damages for personal injuries and exclusive jurisdiction in regard to claims for damages for injury sustained in motor vehicle accidents.

Appeals from the Magistrates Court and a number of tribunals and boards are heard by the District Court. The Court of Appeal hears appeals from the District Court.



# HOME OF THE DISTRICT COURT OF WESTERN AUSTRALIA

Preliminary planning for Western Australia's District Court building began in 2002.

In December 2003, the State Government entered into a Public Private Partnership (PPP) with a consortium known as the Western Liberty Group to design, construct and maintain a new home for the District Court over a 27-year period. The agreement includes the provision of a number of key services including custodial services, security, court recording and transcription services and facility management.

The building's design, informed by a thorough brief prepared by the State and close consultation with many of the people who work in the District Court including judges, efficiently accommodates the wide range of activities conducted in the building.

## ARCHITECTURE AND CONSTRUCTION

The establishment of the District Court of Western Australia on the corner of Hay and Irwin Streets in Perth continues an historical connection between the site and the legal profession.

In the 1870s a theatre, named St George's Hall, was built on this corner, the brainchild of a group of solicitors. Around the beginning of the 20th century, the building was taken over by the Government. It was used for the next 60 years for a lithographic printing office and later child welfare administration.

The heritage-listed portico of St George's Hall was retained after the building itself was demolished and has been integrated with the court building through interpretation of its former footprint into the registry hall.

Linking this historic feature with a 21st century façade was just one of the challenges for architects charged with designing a landmark building that was both visually appealing and highly functional. Safety, security, convenience and efficiency were key drivers of the design, all aimed at maximising the ease of use for visitors and people working in the building.



# HOME OF THE DISTRICT COURT OF WESTERN AUSTRALIA

## ARCHITECTURE AND CONSTRUCTION

The building itself is architecturally impressive, reflecting the importance of the District Court and the significance of the position it holds within the legal system and the community.

The forecourt area defines the entry to the building and its corner location makes it easy to find – and highly visible from along both Hay and Irwin Streets. The public art in the forecourt and throughout the building is another defining feature of this civic landmark.

The modern façade exploits natural light and transparency, a design hallmark extended throughout the building. Through the extensive use of glazing, the architects have enabled some degree of natural light to permeate virtually all public areas, including the courtrooms – a rare feature in Australian courthouses.

Other features of the building include:

- modern technology systems including video link capability and electronic courtroom evidence display systems;
- multiple street frontages to facilitate different entry and exit points for various court users; and
- advanced safety and security systems.

The District Court building demonstrates environmentally sustainable design principles and reduced energy usage, in order to conserve natural resources and reduce greenhouse gas emissions.

Environmentally-friendly features include:

- orientation – maximising the northern face of the building and the use of sun shades and louvres to capture the winter sun and exclude summer sun;
- natural temperature control – using exposed concrete externally and internally to create a heat bank for natural temperature control;
- glazing - a combination of energy efficient glass types is used to reduce heat loading and UV while maximising natural light;
- insulation – used both internally and externally to reduce reliance on mechanical methods to heat and cool the building;
- water efficient tap ware with flow restrictors and smart flush technology;
- domestic hot water temperature reduced to 45 degrees Celsius;
- low maintenance and natural finishes – used both internally and externally to reduce future maintenance and upkeep requirements;
- low-wattage, long-life lighting and minimal light pollution from external sources; and
- air quality monitoring.



## COURT ACCOMMODATION

The District Court operates 24 courtrooms throughout seven levels of the building including criminal and civil courtrooms, and large ceremonial and high-security courtrooms.

The State's first purpose-built, high-security courtroom is also one of the first of its type in the world. At 235 square metres, it can accommodate multiple accused and a large public gallery. Glazed secure zones can be created to separate the accused, witnesses and even the public gallery. Like courts throughout the building, this high-security court also has the facilities to receive evidence remotely.

The ceremonial courtroom is 250 square metres and features impressive leather and timber interior finishes. It can be used for ceremonial sittings involving up to 40 judges.

Civil and general purpose courtrooms range in size from 70 square metres to 160 square metres. In total, the courtrooms can seat up to 1900 people.

The judiciary has a separate circulation system in the building and the judges' chambers, library and meeting rooms are on dedicated floors of the building.

# HOME OF THE DISTRICT COURT OF WESTERN AUSTRALIA

## COURT ACCOMMODATION

Jurors also have a separate circulation system and comfortable facilities in which to gather, wait until called and then to deliberate during the course of a trial. There is also a separate circulation zone for vulnerable witnesses.

Below ground level, the building accommodates a high-security custody centre where people in custody have yet another separated circulated system. They are transported securely into holding cells where they are monitored visually and electronically before and after their appearances in court. People in custody are brought into and out of court through dedicated and secure lifts and holding areas.

Staff who work in courts administration occupy office accommodation on the ground floor of the building with purpose-built office and storage space.

The Court Registry at the front of the building processes legal documents provides advice and information for court users.



## VISITOR AND USER FACILITIES

The District Court building has been designed and built with a range of visitors and court users in mind.

Features sensitive to the varying needs of different people include:

- victim support and child witness suites, located away from courtrooms in a low-rise wing along Irwin Street;
- remote witness facilities which employ telecommunications links to obviate the need for particular kinds of witnesses to be present in person in a courtroom;
- hearing-aid loop systems using wireless technology in all court rooms to assist people with hearing impairments;
- public telephone services for people with impaired sight or hearing;
- safe, quiet and secure spaces to ensure respect for individual users and groups, providing the separation that is often necessary between different court users;
- a resource area for self represented litigants;
- an open-air terrace garden to help court users handle their stress;
- a children's play area on the ground level; and
- a coffee shop, also on the ground level.



# HOME OF THE DISTRICT COURT OF WESTERN AUSTRALIA

## TECHNOLOGY

Throughout the courts and associated facilities, electronic communications equipment adds considerably to the versatility, flexibility and efficiency of operations.

Examples of the technological applications include:

- videoconferencing facilities, closed-circuit television (CCTV) and screen displays;
- large plasma screen signage in the foyer to display the day's listings and computer-based screen displays for interactive searches by court users;
- electronic displays showing the day's listings outside every courtroom;
- large plasma screens (48 in total) in all courts for displaying evidence and streaming images of remote and vulnerable witnesses into the courtroom;
- 94 LCD displays for judges, jurors and witnesses;
- electronic tablet whiteboards, called 'Starboards', to help witnesses in the presentation of their evidence;

- digital systems to record all court hearings; and
- videoconferencing facilities in areas including mediation rooms and audiovisual playback facilities in jury rooms and the jury assembly area.



## SAFETY AND SECURITY

One of the advantages of contemporary, purpose-built justice buildings is the ability to fully deploy the most advanced and effective security, privacy and safety precautions.

Safety and security were fundamental priorities in the design of the District Court building. The design is sensitive to the different needs of the judiciary, staff and various visitors to the Court, including children and vulnerable witnesses.

Separate circulation systems ensure that victims of crime and vulnerable witnesses need never 'confront' alleged perpetrators or their supporters. Remote witness facilities mean they need not physically enter the courtroom, if such a situation would be too distressing.

Other features include:

- secure and safe containment of accused in custody; and
- screening of people and personal effects entering the building.

A specialised electronic security system is also incorporated for the prevention and early identification of potential risks or threats. The system includes:

- closed circuit television surveillance;
- electronic alarm systems;
- electronic locking systems; and
- intruder detection.



# HOME OF THE DISTRICT COURT OF WESTERN AUSTRALIA

## PUBLIC ART AND HERITAGE

The site of the District Court has historical significance. Its different uses are explained in a series of three information panels in the space between the preserved arch or portico of St George's Hall and the new building. The panels are also visible through the columned doorway of St George's portico. An etched stainless steel plaque in the paving directly in front of the portico makes this fascinating history readily accessible to pedestrians on Hay Street.

The District Court also displays an impressive collection of art works from Western Australian Indigenous and non-Indigenous artists, specifically commissioned for the building. The artwork reflects the contemporary design of the building and helps create a sense of calm in the court environment.

The main sculpture in the forecourt is by accomplished artist Anne Neil. Created from marine grade aluminium, it defines the entry to the building and, at more than 12 metres tall, is easily visible from both Hay and Irwin Streets.

Also from Anne Neil, the western wall of the forecourt includes a relief work in the concrete which casts shadows and patterns on the white wall at different times of the day. The wall piece complements the sculpture, with inspiration for the artworks coming from growth patterns in nature.

An excerpt from the judicial oath is featured on a plinth wall manufactured from stainless steel. Located prominently in the forecourt, the oath is incorporated with a graphic to represent the balance of justice.

## FOYER

The foyer features the work of renowned Nyoongar artist, Shane Pickett. The piece hangs impressively on the wall behind reception, creating a significant focal point. The painting refers to the healing grounds that existed before the city was built. The artist set out to connect new courts of law with the older meeting places, where disputes were settled. The work is intended to act as an entry point for people into the justice system, seeing it as part of a process of healing and reconciliation.

## COURTROOM LEVELS

Artworks are located in the lift lobbies of all seven courtroom levels of the building. They are significant threshold experiences, places of arrival and departure for all users of the courts. The artists responsible for these pieces are Sandra Hill, Brian McKay, Ben Pushman, Caspar Fairhall, Jeremy Kirwan-Ward, Tony Windberg and Mark Datodi.

## THE ARTISTS

Sculptor Anne Neil has completed diverse public and urban art commissions all over the world and has exhibited both nationally and internationally. She has had regular solo exhibitions and contributed to group exhibitions throughout Australia, as well as in the USA, UK, West Germany and Japan. Some of Anne's other commissions include work for the Perth-Bunbury Highway and Gosnells Civic Centre. She is represented at Art Bank in Sydney, Curtin University of Technology and the Art Gallery of Western Australia.

Shane Pickett is one of Western Australia's most celebrated Nyoongar artists. Born in Quairading, Shane's experience extends over 20 years and across a range of mediums, including works on paper, painting, sculpture and printmaking. He has held more than 22 solo exhibitions and participated in more than 60 group exhibitions throughout Australia, Europe, Asia and America. His works are held in numerous collections, including the National Gallery of Australia, the Art Gallery of Western Australia and the Western Australia Museum.

## GROUND LEVEL SHANE PICKETT



# HOME OF THE DISTRICT COURT OF WESTERN AUSTRALIA

## LEVEL 1

**Caspar Fairhall** has collections of his work shown at the Art Gallery of Western Australia, the University of Western Australia, Bank West, Edith Cowan University, the Western Australian Chamber of Commerce and Central TAFE.

## LEVEL 2

**Ben Pushman**, a Nyoongar artist from Fremantle paints about his experiences as an urban Aboriginal and the issues that he has dealt with. He has exhibited in Milan as part of a tour through Europe of urban Aboriginal artists.

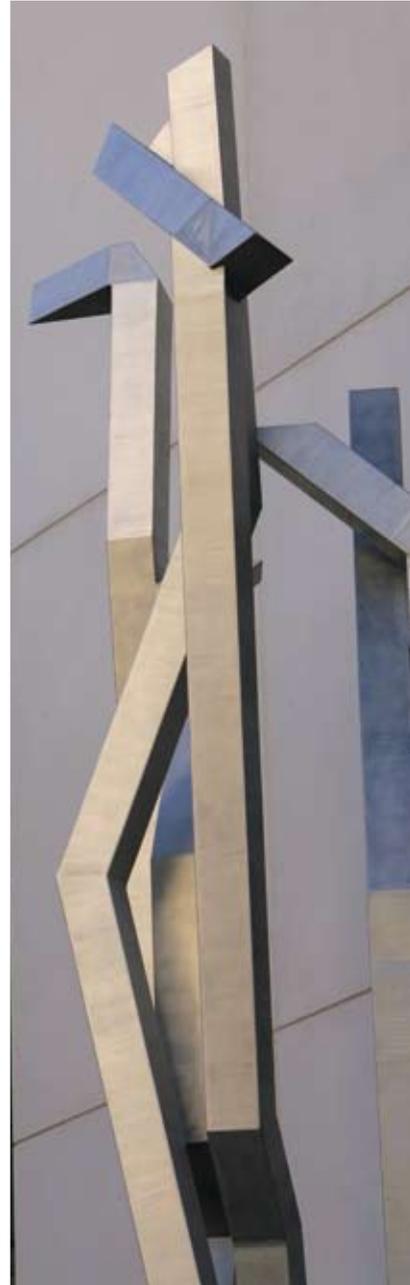
## LEVEL 3

**Mark Datodi** is experienced in image based processes techniques encompassing traditional and non-traditional printmaking, photographic and digital technologies. He has successfully completed numerous public art commissions, which have been largely wall-based integrated work, and has also been involved in many solo and group exhibitions.

## LEVEL 4

**Brian McKay**, who has a background in commercial art and printmaking, is a modernist painter whose work focuses on textures and light. Brian has created several large public works, including the blue murals in the foyer of Central Park Tower building, a metal mural on the outside of the Perth's new ABC building and the Impossible Triangle at the roundabout on Plain Street, in East Perth.

## GROUND LEVEL ANNE NEIL



## LEVEL 5

**Tony Windberg**, originally from Melbourne, is represented in a number of public, corporate and private collections and has been awarded numerous prizes, including the City of Perth Art Award in 1999 and 2001.

## LEVEL 6

**Sandra Hill** is a sculptor from Mandurah and a Nyoongar Aboriginal. Her works include metal and ceramic interpretations of Nyoongar Dreamtime stories. She is represented by the Art Gallery of Western Australia and the Holmes a Court Collection.

## LEVEL 7

**Jeremy Kirwan-Ward** has held many solo exhibitions and is represented by Art Bank, the Art Gallery of Western Australia and the National Gallery of Australia. Jeremy has also contributed to many publications, the latest being Undercurrent in 2007.

## LEVEL 3 MARK DATODI



## LEVEL 2 BEN PUSHMAN



# OPERATIONS OF THE DISTRICT COURT OF WESTERN AUSTRALIA

## SERVICES

### DISTRICT COURT REGISTRY

The District Court Registry, which is located on the ground floor, is where clients may lodge documents, pay court fees, receive procedural and other advice in respect of their case, or make enquiries about the Court's services in general. The Registry also includes a resource area where litigants have access to computer facilities offering electronic information and resources such as procedure guides and limited Internet access.

Location: Ground floor

Phone: (08) 9425 2230

### JURY SERVICES

The jury system is an important part of the State's judicial system. There are 17 jury districts from which citizens are called to provide jury services to their community. Jurors are compensated by set attendance and public transport fees. Also, jurors who lose income through jury duty may apply to be reimbursed.

Location: Level 2, main building

Phone: (08) 9425 2481

### VICTIM SUPPORT AND CHILD WITNESS SERVICES

A priority of the Department of the Attorney General is to give victims of crime access to quality services and a strong voice in the justice process. The Victim Support and Child Witness Service on Level 2 of the low-rise section of the building offers confidential counselling and a range of other support services for victims of crime. It also offers court preparation and support to children who are required to appear in court. It provides flexible services with professional counsellors, trained volunteers and a network of service providers across the State.

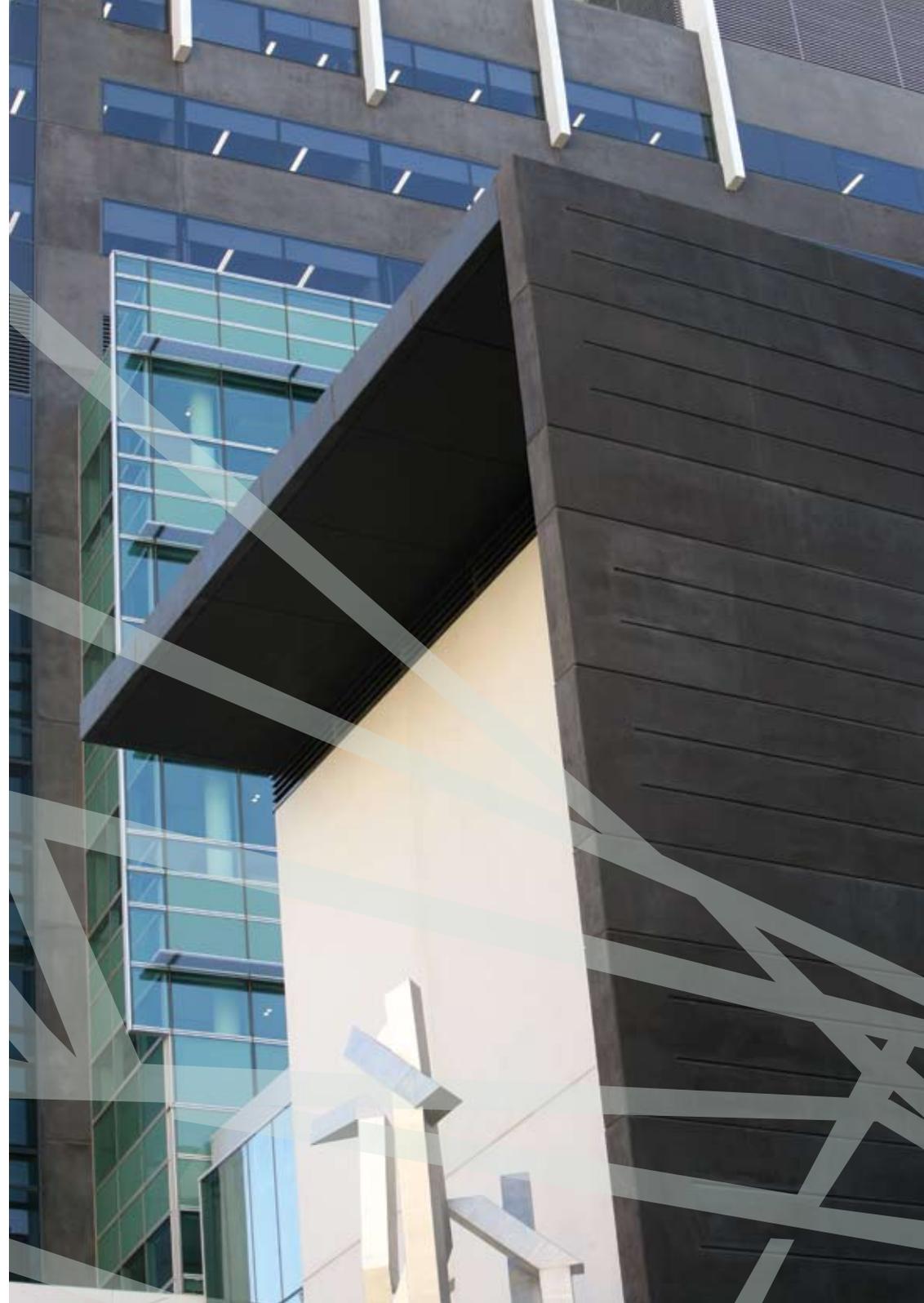
Location: Level 2, low-rise building

Phone: (08) 9425 2850

### OTHER SERVICES

The following agencies provide services within the building to the District Court and all located on Level 1 of the low-rise building along Irwin Street:

- Legal Aid WA
- Aboriginal Legal Service
- Office of the Director of Public Prosecutions
- Commonwealth Director of Public Prosecutions



# A USER'S GUIDE TO THE DISTRICT COURT

## WHO ATTENDS THE COURT FOR A CRIMINAL HEARING?

A number of people have official roles during a Court hearing. This diagram shows a typical District Court room layout and the key people who will usually be in the Court during a criminal trial or hearing.

### JUDGE

The judge ensures proceedings are conducted according to the law. The judge is referred to as Judge (Surname) and is addressed as "Your Honour".

### JUDGE'S ASSOCIATE

The Associate is a member of the judge's personal staff, and helps in court administration, including preparing documents, recording decisions and issuing forms and warrants.

### DEFENCE COUNSEL

The defence counsel is a solicitor or barrister employed by the accused /defendant to defend the charge.

### PROSECUTOR

The prosecutor is a solicitor or barrister who conducts criminal proceedings on behalf of the State.

### SOLICITORS

The solicitors in the Court are lawyers who assist defence counsel or the prosecutor but do not argue the case in Court.

### DEFENDANT/ACCUSED

The defendant will be in the dock and is the person charged with committing an offence.

### WITNESSES

Witnesses are called to the 'stand' to give evidence on behalf of the prosecution or the defence.

### JURY

The jury has a dedicated seating area and is a group of 12-18 people selected randomly to hear evidence. The deliberation of the jury is limited to 12 of the jurors, who decide on the innocence or guilt of an accused person/s in a criminal trial.

### ORDERLY

The Court orderly is another member of the judge's staff who calls witnesses and helps to keep order in the Court.

### MEDIA

Journalists will often attend Court to report on cases in progress. There are dedicated seats for the media at the front of the public gallery.

### PUBLIC GALLERY

Courtrooms are open to the public and members of the public are encouraged to attend trials and hearings to see how the courts operate. There are seats behind the solicitors' benches and behind the media seats for members of the public.

## CRIMINAL COURT ROOM LAYOUT



# A USER'S GUIDE TO THE DISTRICT COURT

## WHO ATTENDS THE COURT FOR A CIVIL HEARING?

This diagram shows a typical District Court room layout and the key people who will usually be in the Court during a civil trial or hearing.

### JUDGE

The judge ensures proceedings are conducted according to the law. The judge is referred to as Judge (Surname) and is addressed as "Your Honour".

### JUDGE'S ASSOCIATE

The Associate is a member of the judge's personal staff, and helps in court administration, including preparing documents, recording decisions and issuing orders.

### DEFENCE COUNSEL

The defence counsel is a solicitor or barrister employed by the defendant to defend the claim.

### PLAINTIFF

The plaintiff is the person or organisation that commenced the proceedings, or made the claim.

### PLAINTIFF COUNSEL

The plaintiff counsel is a solicitor or barrister who conducts the case on behalf of the plaintiff.

### SOLICITORS

The solicitors in the Court are lawyers who assist plaintiff or defence counsel but do not argue the case in Court.

### DEFENDANT

The defendant is the person or organisation being sued.

### WITNESSES

Witnesses are called to the 'stand' to give evidence on behalf of the plaintiff or the defence.

### ORDERLY

The Court orderly is another member of the judge's staff who calls witnesses and helps to keep order in the Court.

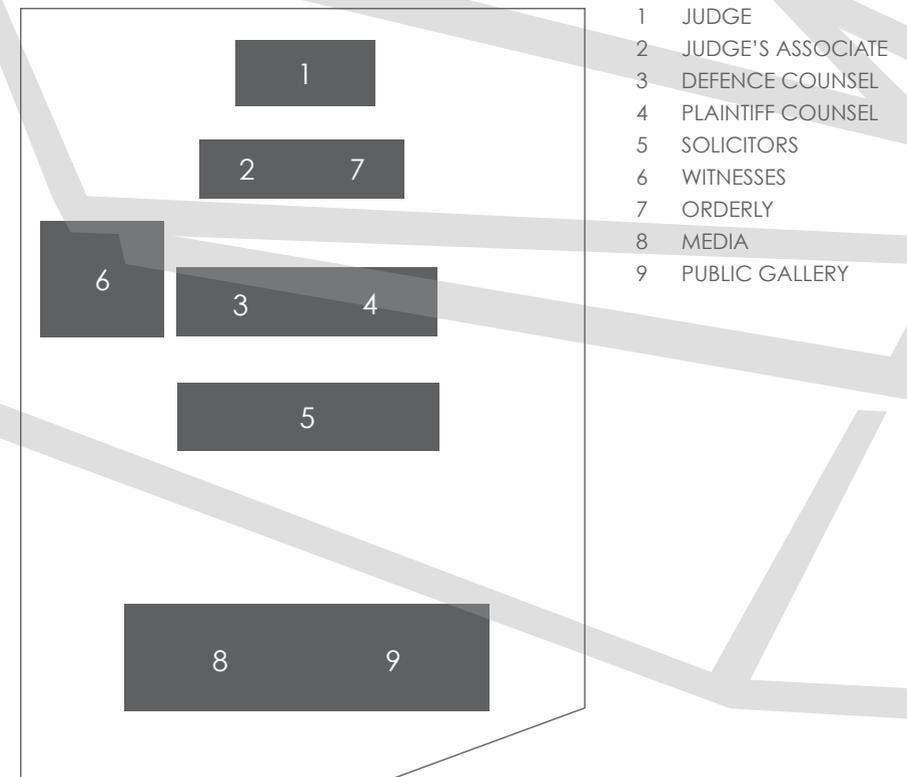
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### PUBLIC GALLERY

Courtrooms are open to the public and members of the public are encouraged to attend trials and hearings to see how the courts operate. There are seats behind the solicitors' benches and behind the media seats for members of the public.

## CIVIL COURT ROOM LAYOUT



# A USER'S GUIDE TO THE DISTRICT COURT

## WHAT HAPPENS IN A CRIMINAL TRIAL?

In a criminal trial, the defendant appears in the dock and a document known as an 'indictment' is presented by the prosecutor. The indictment details the alleged offence. The judge's associate formally reads the offence/s, detailed on the indictment, to the defendant who is asked to plead 'guilty' or 'not guilty'. This process is the arraignment. If the defendant pleads 'guilty', he or she will be sentenced by the judge. If the defendant pleads 'not guilty' the trial process begins.

The prosecutor begins the trial with an address to the jury, outlining the State's case against the accused. Witnesses are then called to give evidence and they can be cross-examined by the defence. After the cross-examination has finished, the prosecutor may re-examine the witness. The defence case follows the same procedure. After all the evidence has been presented, the prosecution and the defence present their final addresses to the jury.

The judge then addresses the jury, moving through the evidence and clarifying any points of law for the jury.

The jury leaves the courtroom to consider the evidence and to make their best efforts to reach a verdict. If the jury's verdict is 'not guilty', the accused is said to have been acquitted and is usually free to leave the court. If the jury's verdict is guilty, the accused is said to have

been convicted. To reach a verdict of guilty, the jury must find that the prosecution case has been proved beyond reasonable doubt.

The convicted person will be sentenced by the judge. Sometimes the judge may remand the prisoner in custody for sentencing on another day. This usually happens when the judge needs more information, such as medical or other special reports, which he or she may need to take into account when handing down the sentence.



## WHAT HAPPENS IN A CIVIL TRIAL?

Civil proceedings in the District Court begin with the filing of a writ, summons or notice depending on the claim or action. Various procedures are then followed leading to the trial of issues. Some of these procedures may resolve the issue by negotiation and mediation, and avoid action in court. Most civil cases are finalised by agreement between the parties without the need for a trial. Matters that cannot be resolved are entered for hearing.

The court procedure for a civil trial is similar to that of a criminal trial, except there is no right to a jury with the exception of defamation cases. The party taking the action is referred to as the plaintiff, and the party defending the action is the defendant.

The judge must decide the case on the evidence and according to the law and will decide what remedy the successful party should have. Usually the unsuccessful party is ordered to pay all costs.

The standard of proof in civil trials is that of being decided 'on the balance of probabilities', rather than the 'beyond reasonable doubt' standard applied in criminal trials.



# A USER'S GUIDE TO THE DISTRICT COURT

## CONDUCT IN COURT

Large plasma screens in the foyer of the District Court building display the listings for each day. You can also use the kiosk in the foyer to search for the listing in which you are interested.

The Court is open to the public, unless in special circumstances when the Court orders otherwise. A judge presides in the courtroom and may order the removal of anybody who misbehaves or is dressed inappropriately.

Before you enter the courtroom, check the display signage outside to ensure you are entering the right court. You can also look through the glass panels to assess whether you are in the right place.

It is important to show respect and courtesy when attending the Court for any purpose.

Mobile telephones and pagers must be turned off before entering the courtroom. Video or other cameras, tape recorders, two-way radios or other electronic equipment are not permitted without the consent of the judge. Talking, smoking or eating in court is not permitted.

When entering or leaving a courtroom, it is customary to bow towards the judge.



# FACTS AND FIGURES

## PROJECT ARCHITECTS:

Cox Howlett and Bailey Woodland

## GOVERNMENT ARCHITECT:

Professor Geoffrey London

## BUILDER:

Multiplex Construction Limited

## PROJECT MANAGER:

Cary Consulting (WA Government)

The District Court of WA took three years to construct. The building has:

A total building area of 31,250m<sup>2</sup>

15 levels including the basement and plant rooms

Accommodation for around 250 permanent staff and many visiting professionals

24 courtrooms ranging in size from 70m<sup>2</sup> to 250m<sup>2</sup> with a total seating capacity of 1,900

6600m<sup>2</sup> of ceiling tiles (enough to cover five Olympic-size swimming pools)

48 large plasma screens through the courts for displaying evidence and streaming images of remote and vulnerable witnesses into the courtroom

94 LCD displays for judges, jurors and witnesses

5,378 light fittings and 2,110 power points

227km data cable, 37km fibre optic cable and 505km of power cable supporting 21st century technology throughout the building

A modern custody centre with central control rooms

25 cells in two separate sections for men and women

9 interview rooms A comfortable bail lounge

18 mediation rooms

A modern registry with six service points and two document inspection rooms

12 primary lifts (typical office buildings have only six)

More than 1000 glass panes including:

- a five-storey glass curtain wall on the eastern face of the building made of 164 individual panels;
- three-storey glass curtain walls on the northern and southern sides of the building made of 84 separate panels; and
- more than 200 other external windows, the largest of which are 48 metres wide.

The curtain wall panels are made from three panes of double-glazed glass, the largest of which are 6.1 metres long and weigh more than 700kg



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