Ted's view: a critique

by Ted Dunstan

Several years ago, as one of several wheelchair legal practitioners in the NT, I was asked to comment on access requirements to the proposed Supreme Court.

My answer was simple: there should be access to the building in accordance with AS 1428 as amended and, specifically, there should be access for disabled judges, jurors, defendants, witnesses, court staff, counsel (barristers), solicitors, spectators of the gallery and so on.

I had been through a similar exercise in Adelaide and I know it is important to spell out every activity. People say: 'Yes, complete accessibility,' then we find that what 'they' meant was different from what is required.

That we have matured somewhat over the years in some things is an overdue corollory of effort expended over three decades.

The Supreme Court, and every other public building, should be a model of accessibility.

Project Manager Kevin McShanag, who showed me around, has a high sense of awareness of at least the physical needs in each area.

So far as facilities for, say, sight or hearing disabilities are concerned, there appears to be attention to light and acoustics, though I cannot speak for people so afflicted.

Let me say first the complex is massive.

As an example, it is probably as good or better than any other similar edifice in the country, or outside.

It seems that no expense has been spared, especially on fittings and furniture.

I say nothing about whether the monies should be so spent.

For instance, the huge timber jury table in the jury room is one of the most beautiful pieces of furniture I have seen. The jury won't want to come out of it, much to the consternation of all waiting outside.

Although people with mouths dried with fear were hitherto not provided with any relaxing or refreshment facilities, now there is a coffee shop off a brightly lit foyer with comfortable lounge seats.

And even counsel have a small lounge area off the Robing Room.

Interview rooms abound and the library is so big and promising, a brigade of earnest lawyers will be given new impetus to brush up on legal precedents from the All England Reports, to video and computer-based data.

The building is accessible by two ramps built into each side of the peremptory steps.

The self-opening doors give entry to the massive tiled foyer floor.

Elevators are positioned for access to upper floors.

The courts are set on the perimeter of this foyer and are more like theatres than courts.

The irony strikes me, however: I move to the mandatory discussion of toilets for the disabled.

Here is the first snag. I couldn't position my wheelchair to open either toilet door. The handles are great, but I couldn't reach them because of an intrusive drink fountain positioned magnificently to obstruct a sideways turning of the chair.

It is between the two doors, and each door was a heavy opener.

A discussion ensued about simple remedies of pullies (which would work), but cynical old me has always noted the innovations proposed which 'can be done' to overcome a deficit are usually not followed up. It will be interesting to see if anything is done.

Back to the foyer. Careful, don't attempt to see how fast you can go on the tiles (or is it marble?) because there is a sunken centrepiece of Aboriginal art in tiles.

The visual effect of continuity of the floor is breathtaking and courageous. The drop will catch countless people and would put the wheelchair bound and visually impaired right on their noses. But surely not now. I have warned them. I may even distribute my card at this very point for injured litigants.

The authorities may have to post a guard there warning people with upward-turned faces to watch the drop.

I distinguish the ramps for wheelchairs which circumvent this trap. These are cleverly built behind columns in apertures like doors, so that you must look for them.

By using these ramps one can get to the other side of the sunken Dreamtime. It will be dream time for some of them, all right.

The courtrooms have massive double doors. The idea is for quiet. Shh!

With my entrance or exit, at least the kerfuffle and eager efforts to avoid peeling the french polishing will doubtless disrupt proceedings and draw full attention to me, much to the annoyance of at least Mr Justice Martin, with whom I seem to have an inescapable proximity in my appearances at the Bar Table.

Oh, yes, there are seats in front of the table, too.

I wonder if the court administrators plan on having 16 lawyers for each case.

Doubtless, these are 'contingencies.'

I always look for the jury box because sometimes a lawyer like me (height 3'2") can hardly see the jury, or vice versa.

The Number 1 court has NO jury box. This, I am told, is because it is reserved for ceremonial occasions.

It is more like an updated version of Westminster Abbey.

Surely, Her Majesty herself will represent the Crown here, should Ma'am be able to divide herself into the component parts.

Courts have always tended to be awesome. But in this one we shall be uncertain whether to advocate or order a drink from the tipstaff.

The upstairs gallery is out for the

of the new justice hall

disabled in wheelchairs, but downstairs in the stalls there is ample room and access to observe the performance.

I didn't get to the cells, so I don't know whether they're underneath or connected to the court by steps, or what, and I'm not about to run over a copper's foot to find out.

Security is tight and the Judges chambers well secured.

Their Honours can look in through the bullet or bomb proof windows from their marvellous verandahs but we cannot joint them on a constitutional around the patios unless, of course, we are fellow judges, which most of us are not.

The Robing Room concerns me a little, not in terms of wheelchair access, but there is no separate facility for lady lawyers.

I trust the change rooms have locks, otherwise there are going to be many founded or unfounded assaults with male lawyers being punched-out all over the place by enraged lady lawyers.

There is definitely nothing so terrifying on the face of the planet.

I must comment on the Master's Chambers.

Our Master has a larger chamber than our dear Chief Justice.

I wonder if that is the result of practical planning so that we minions front the Master at a distance of thirty feet from behind what looks like a barricade but which is, in fact, a desk.

Practitioners will note at once that in no court is there a court reporter or the interminable wires, re-winding tapes, and so on.

It is all done in a secret place.

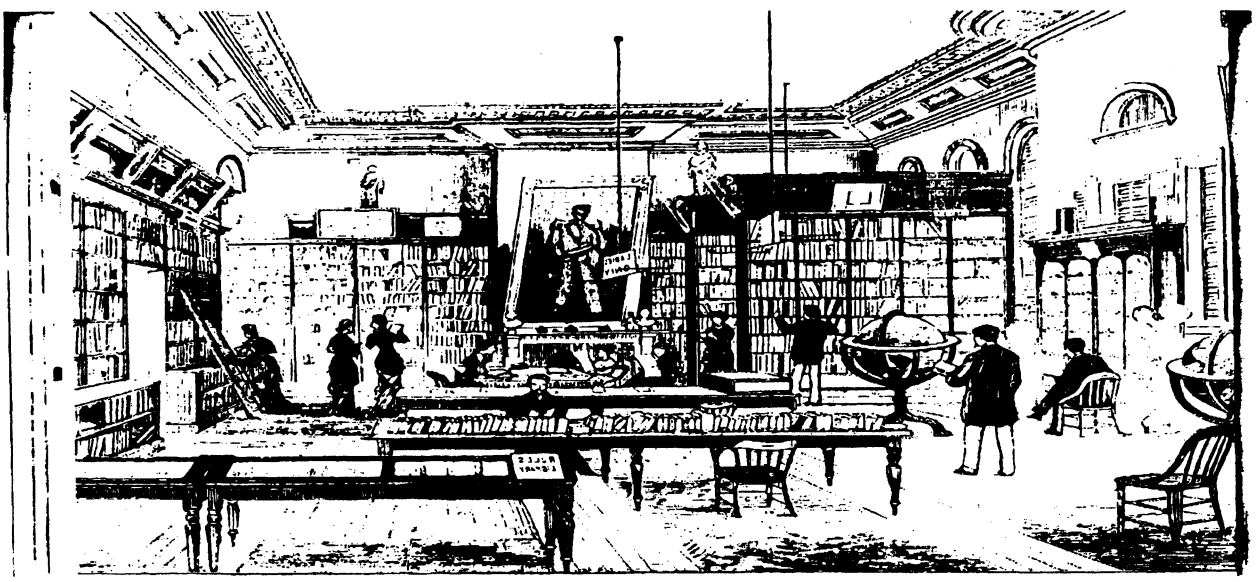
Hearsay evidence, indeed.

I trust some failsafe devices are at hand with the onset of such technology.

I do not like familiar faces and sounds to disappear.

It is insecure. One will never know when one is being 'put on the air' and recorded.

Some practitioners may be confronted with their loose utterings unknowingly recorded and feel obliged to slink away to the South.



First jury verdit in new SC

At 8.03pm on Friday 11 October 1991 the first jury verdict in the new Supreme Court was handed down.

Claudio Mezzadri had been charged with grievous bodily harm (s181) and doing an unlawful dangerous act (s154).

The trial commenced before Justice Sir William Kearney on 7 October 1991 with Tom Wakefield (Queensland counsel) instructed by the Director of Public Prosecutions prosecuting and Colin McDonald instructed by Anthony Porthouse of Cridlands defending.

The offical reason for the transfer from the old courthouse to the new was that the Court Recording Service was moving.

We suspect that the jury may have been intimidated by the well attended wake.

The accused had the unhappy privilege of being the first person incarcerated in the holding cells pending the verdict.

He then enjoyed the honour of being the first person acquitted, a record that cannot be broken.

Congratulations to the local lawyers who did not want interstate counsel to achieve this auspicious start to life in the new Court.