



Geraldton
'Not fit for purpose'



Halls Creek
No space to meet inside



Broome
Trials aborted

SURVIVORS, VICTIMS SHORT-CHANGED BY 'APPALLING' COURTS

WA law facilities slammed as those seeking justice feel unsafe

Despite record investment in family and domestic violence prevention, victims across WA are often too scared to seek protection from the courts because the very place they need to go for help feels unsafe.

In the city and the regions, court facilities are outdated and ill-equipped, leaving complainants, their supporters and witnesses uncomfortable and often feeling threatened, legal groups say.

In some places, victims are forced to wait outside on the grass for their case to be called because there is no space inside, while others have no public toilets or cold drinking water. Despite the mess, the issue of judicial infrastructure hasn't emerged this election campaign. The office of Attorney-General John Quigley responded to questions from The Sunday Times by pointing to 10-month-old comments he made in State Parliament.

New Law Society of WA president Gary Mack said court facilities around the State were "not fit for purpose".

In addition to multiple courts in Perth's CBD and suburbs, there are 19 regional courthouses, while court can also sit at 31 police stations — only 10 of which have designated courtrooms.

EXCLUSIVE
REBECCA LE MAY



The Law Society says many of these lack the most basic amenities — most alarmingly, there are waiting areas where complainants have only some chance of sitting separately from perpetrators.

Michael Ryan, chair of the association's Country Practitioners Committee, said some family and domestic violence victims were unwilling to go to court "because they're afraid the perpetrator, or the perpetrator's family, may see them there".

There's also a paucity of private interview rooms where sensitive matters can be discussed without being overheard.

"It is unacceptable that lawyers have to interview their clients outside in the burning sun or pouring rain, without a shred of privacy or distance from the very person they may be there to bring a family violence restraining order against," Mr Ryan said.

"There is no option for people to use a separate entry or exit into the

courtroom. It is simply not good enough."

At the super-busy and well-worn Perth Magistrates Court, Marisha Gerovich, a lived-experience engagement officer for Community Legal WA, said she saw her tormentor "turn up with weapons" as they went through the same single entrance.

"I watched him go through the screening process and the weapons were put away," she said.

"It was so overwhelming that by the time we got into court, I kind of couldn't even talk, you know, because I had in my head 'what is your safety plan?'"

"We both have to leave this building, we both have to walk out that same area."

"He was given back the weapons and I was followed home, and I had to call the police."

"It could have been useful for the courts going 'well, we might hold this man back a little bit longer'" Susan — not her real name — also had a horrendous experience at the same court after her abusive former partner breached his family violence restraining order 18 times.

They were placed in separate rooms with a glass panel in between. "He could see me. He was pacing

back and forth . . . it was horrible. I couldn't believe it," she said.

"It certainly didn't feel safe. It was not something I'd ever want to go through again. Surely they can do better."

In Karratha, the two very small meeting rooms that double as safe rooms for family and domestic violence complainants were always occupied, leaving many vulnerable women face to face with their abusers, Pilbara Community Legal Service solicitor Bianca Lambert said.

Colleague Sara Makeham said that was highly traumatising. "She's sitting in the waiting room, looking at the perpetrator," Ms Makeham said.

"Other locations such as Newman don't even have a waiting room facility — you have to wait outside on the grassed area."

"There's lots of people just waiting around all day in the heat, in the cold."

Ms Makeham said she had seen the "horrific" situation where a sexual assault victim had to endure her attacker walking past "within earshot, arm's reach".

In the Mid West, Geraldton lawyer George Giudice said the local courthouse, built in 1898, was not fit

for purpose and even its heritage-listed character was not being maintained, with paint peeling and worn carpets.

Not only was the one tiny meeting room always occupied, the waiting area was also packed full so there were often screaming fights.

"People are stressed and anxious . . . and it's so hot in there and it stinks," Mr Giudice said.

Jurors "constantly" complained about the facilities including stairs so steep "you have to be a mountain goat" to use them.

Elderly or infirm jurors could use the lift instead, but that exposed them to witnesses, lawyers and the accused.

Jurors struggled to hear what was going on, being a long way from the witness box, and got sore necks from looking at a poorly positioned screen displaying evidence for hours at a time.

The toilet facilities were "substandard" and the air-conditioning was either not working or set to freezing, Mr Giudice said.

"I could go on," he said. "Delivery of justice to regional WA is atrocious. It's not fair."

"No one cares about the lawyers, but the families of the complainants

Community Legal WA lived-experience officer Marisha Gerovich outside the Perth District Court. Picture: Iain Gillespie



after being forced into same areas as their alleged attackers

or the victims have to suffer this. Women applying for restraining orders. You can see the stress on their faces sitting there. By what they're confronted with, they'll often cave in, give up."

In the Kimberley, it was so sweltering at Derby Courthouse, a lawyer working there wound up hospitalised with heatstroke, Mr Ryan said.

In Halls Creek, meetings with clients often had to be done outside at a picnic table, sometimes in blistering heat or monsoonal weather, he said.

Two trials in Broome were aborted because the jury saw the accused being brought into court in handcuffs. "It implies a presumption of guilt, creates an unconscious bias," Mr Mack said.

Court facilities without public toilets include Dampier Peninsula, Bidyadanga and Looma — respectively about 140km, 180km and 250km from Broome — which sit for one day every eight weeks.

In Perth at the bustling District Court, the courtrooms are modern and well equipped but are perpetually fully booked long in advance.

So much so, there's no space for all District Court matters, so they

can now sometimes be heard in the Magistrates Court and Fremantle Courthouse.

"A number of new judges have been appointed and there is simply not the capacity to provide the courtrooms, the rooms where protected witnesses can give their evidence and so on," Mr Mack said.

The Department of Justice's most recent annual report shows all levels of WA's courts far exceed targets for median time to trial, with District Court criminal cases taking twice as long as aimed for.

Delays were blamed on factors including a shortage of facilities that could accommodate juries.

That includes the new Armadale Courthouse, but when it opened in November 2023, Mr Quigley denied an opportunity had been missed.

He added "a tower somewhere in the city of multiple criminal courts" would be built as "a priority".

With the State election weeks away, there has been no update.

But his office pointed to comments made in May last year when he blamed the Barnett Government for the David Malcolm Justice Centre being underutilised — a facility opened in 2016 purely for civil cases.

"We have this tower that could accommodate more trials if it were not for the silly lease that the previous government entered into that banned criminal trials being held there," Mr Quigley said at the time.

Pushed on details for the planned new tower, he cited commercial confidentiality.

"The business case has been worked up and the department is looking at possible solutions on an ongoing basis," he said.

It's believed the city justice centre will never have criminal holding cells retrofitted, being enveloped by the restored Treasury buildings, with the six-star Como hotel as

its centrepiece. Mr Mack said that with WA's soaring population, the State Government should be thinking about new, "future-proof" court infrastructure.

The Law Society has long called for a Statewide audit, with Mr Mack saying a purpose-built justice precinct in the CBD, where most lawyers worked, would be ideal.

"We understand that this is going to cost a lot of money," he said.

"But we do need, as urgently as possible, to start planning for this."

Shadow attorney-general Nick Goiran and Opposition Leader Shane Love both backed the audit call, saying WA's courtroom capacity had been ignored by Labor for eight years, despite record surpluses.

It was among the "basics of government," Mr Goiran said, and that Transport Minister Rita Saffioti's "train obsession" had instead been indulged.

Mr Love said the Broome trial collapses were "not just an administrative failure" but

also undermined public confidence in the State's justice system.

"This should never happen," he said. "The rights and safety of victims, as well as the integrity of our justice system, demand immediate action."

If upgrades to existing courthouses cannot be made in the short term, then alternative temporary facilities should be provided where the basics are lacking, the Law Society says.

A department spokesperson said it was "limited in its ability to make improvements at locations and facilities not under its control, but continues striving to provide court facilities that meet the needs of the community."

"The safety of all court users, including victims of family and domestic violence, is of paramount importance," they said.

"Appropriate arrangements are made for FDV victims when concerns for their safety are identified. This may include separation of the parties, not requiring in-person appearances or putting additional security arrangements in place."

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Editorial: Justice in sorry state **P37**

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Geraldton lawyer George Giudice

