

The Need for the Proposal

The Need

- 3.1 DoFA advised in their submission that the need for the proposed building arose from the deficiencies of the existing leased space. DoFA also argued that future growth of the courts at the current Grenfell Centre could only be met by leasing extra space in the building, and only if vacancies coincided with requirements.
- 3.2 The number of people involved in court trials that can be conducted are severely limited by the inadequacy of the existing floor plans. Added to this, Supreme Court judges are required to vacate their chambers during High Court sittings.
- 3.3 Other inadequate features include:
- extra leased court accommodation could lead to occupancy on non-contiguous floors;
 - the Grenfell Centre does not comply with current equal access requirements, an area over which the Federal Court presides; and
 - the existing Courtrooms are inadequate for IT infrastructure.¹
- 3.4 The Committee was advised at the public hearing that, at a ‘very broad estimate’, the Grenfell Centre offered about 30 per cent less overall space.²

1 Submissions Volume 1, pp. 5-7

2 Mr Shannon, Evidence, p. 16.

Future Workload Projections

3.5 DoFA further noted in its submission that there are a range of other factors likely to impact on requirements by the various jurisdictions. These are related to future workload projections and are listed below according to the relevant court:³

High Court

- Steady growth in the workload. There is a high probability of a South Australian appointment to the High Court within the next decade.

3.6 Mr Christopher Doogan, Chief Executive and Principal Registrar of the High Court explained that there are no High Court facilities in Adelaide. If the proposed building did not anticipate a probable South Australian appointment, Adelaide could be faced with a problem similar to that previously experienced by Queensland. Due to lack of planning for any High Court resident occupant in the Queensland complex, the High Court officer now occupies Chambers which would otherwise be available for use by the Federal Court.

3.7 Mr Doogan further noted that in terms of space allocation, the appointment of a South Australian was not the only consideration. At present, Adelaide used the facilities of the Supreme Court to provide registry services for the High Court on a user-pay basis.

3.8 In addition, Supreme Court judges are required to vacate their premises for the duration of the High Court sittings in Adelaide. Mr Doogan observed that the workload of the High Court coming from South Australia has doubled in the last 10 years. In the last five years, for example, there has been a 20 per cent growth.⁴

Federal Court

- anticipated economic growth could increase workload. The Federal Court's workload is predominantly commercial in nature. Therefore economic activity is an appropriate measure for growth;
- increase in the number of Acts of Parliament (from 50 in 1977 to 130 today) falling under the Federal Court's jurisdiction;

3 These are fully outlined in Submissions Volume 1, pp. 10-15.

4 Evidence, p. 17.

- increased complexity of commercial litigation. The Court has exclusive jurisdiction in economic competition cases under Part IV of the Trade Practices Act;
- Native Title jurisdiction. Twenty-seven Native Title matters are listed in South Australia. It is estimated that on average two trials per year will be heard in South Australia from 2001 to 2006; and
- South Australian judges also manage the Northern Territory Native Title workload. It is estimated that the current Northern Territory workload will require two judges full time for four years.

Family Court

- an increase in the population of Adelaide from 1,093 million in 1999 to 1,229 million in 2051;
- an increase in the population of South Australia from 1,496 million in 1999 to 1,587 million in 2020 before declining to 1,477 in 2051; and
- actual and projected sitting days are likely to range from 1,608 in 1999 to 1,789 in 2020.

Federal Magistrates Service

- The workload projections for the Federal Magistrates Service are difficult to determine due to its infancy. It will take over less complex work of the Federal Court and the Family Court and is expected to be a high volume court of general jurisdiction.⁵

3.9 At the public hearing, Mr Peter May, Chief Executive Officer, Federal Magistrates Service advised the Committee that the Federal Magistrates Service commenced work in July 2000. As a new Court, the workload projections for the Federal Magistrates Service were difficult to determine. In Adelaide the greater part of its workload was likely to come from the Family Court. Figures to the end of March show that the Federal Magistrates Service had undertaken approximately 20 per cent of the family law work.⁶

3.10 Further demands would be placed on the space allocation for the Federal Magistrates Service, when the Chief Federal Magistrate, accompanied by

5 Submissions Volume 1, pp.11-15.

6 Evidence, p. 17.

other officers of the court, sits in Adelaide. Added to this, Federal Magistrates from other states would sit in Adelaide from time to time.⁷

Security

- 3.11 The DoFA submission observed that specific security needs in court facilities was fundamental in the implementation of the Commonwealth Courts Program. The current security arrangements in Adelaide are inadequate and below the standard set in other Commonwealth Law Court buildings. The main concerns include:
- the level of security for judges, staff and the public, assessed as being unacceptable in the current premises;
 - possible security risk as a result of toilets being shared by both staff and the public;
 - alternate male and female facilities are located at landings off the fire escape passage within the core of the building, leading to further security risks;
 - secure parking on site is unavailable;
 - judiciary and courts staff share facilities such as building lobby, lift services and corridors with the general public; and
 - there is no secure parking for judges (they currently park in nearby commercial parking facilities and walk to the building).⁸
- 3.12 In further elaboration on security issues, DoFA advised that only one vehicle access point was being provided to the site in order to minimise risk associated with vehicle entry. The access point is located off Angas Street, in public view rather than hidden where it could be a security risk.
- 3.13 In terms of access to the building by the public, all must pass through the main entry where provision will be made for X-ray screening. Separate secure access will be provided for judges and there is also provision for separate secure access for staff. Security within the building itself for the judiciary will be achieved by separating judicial circulation from public circulation.⁹

7 Evidence, p. 17.

8 Submissions Volume 1, pp. 5-6.

9 Mr Barry Jackson, DoFA, Evidence, p. 12.