

All were provided with extra facilities for legal practitioners and the court users. These complexes in the main, include facilities for remote and vulnerable witnesses and facilities for mediation and pre-trial conferences.

The Government is now finalising the task of resolving the future accommodation of the Supreme Court.

The need to expand the number of courtrooms and support infrastructure for the Supreme Court has long been recognised. The last expansion, the construction of an annex in 1987 next to the original 1903 building in Stirling Gardens, has run out of space.

For many years, the court has extended its operations into a separate commercial tower on St Georges Terrace. The split of the accommodation across two sites is inefficient for listings and day-to-day operations of the court. A number of the courtrooms in the 1903 Supreme Court building have been retrofitted in unsuitable spaces to address a lack of courtroom facilities as they have arisen in the past. These courtrooms generally present poorly with

ad hoc finishes, fixtures and fittings. They lack the sense of order and dignity that is expected on entry to a courtroom. There are currently insufficient mediation suites to accommodate the current move towards settling matters prior to trial.

I recognise the need to start planning to improve the lot of the Supreme Court. The task for now is to find a solution that will see the Supreme Court accommodated, preferably at a single site, for the next half century or more. Consultation has begun and a strong business case has already been provided to Treasury. The Government has provided more than \$300,000 for more detailed planning for a solution.

The quest for adequate and purpose-built facilities – and enough of them – is a

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major ongoing investment for WA. The Government is on track to achieve them in the coming years. The legal fraternity can be assured that facilities for all parties are improving and continually under review.

Antoinette Kennedy – Chief Judge District Court of Western Australia

## Retirement of Kevin James Hammond

Kevin James Hammond was born in 1936 and educated at Sacred Heart Convent and Christian Brothers High School, Highgate and then at the University of Western Australia. He was in the first intake of residents at St Thomas More College. Prior to that he had completed National Service as was the requirement at that time.

He completed his articles with Howard Solomon at Morris Crawcour & Solomon in Perth, was employed for a period of time in Perth and then moved to practice in Northam, York and Central Districts. In June 1962 he became a partner at Mayberry Hammond & Co, Northam and remained there until June 1978.

It was obvious that Kevin looked on his period of time in Northam with enormous affection. He often referred to himself as “just a country practitioner” and it was clear that while you could take the boy out of the country, you could not take the country out of the boy.

During the time he was a member of this Court his one wish was to have the time off to go to the Northam Cup but he only managed it on one occasion as far as I can recall. During his time in Northam he had been firstly a Committee Member of the Northam Race Club and then President from 1976 to 1978. He subsequently became a joint Patron of the Race Club.

Country practice was obviously fascinating even on the occasion when he was almost arrested for murder. He was contacted at his office and advised that there was regrettably



Kevin Hammond

a dead body at the farm of a client. He went to the property and sure enough there was. He arranged for the clients to be legally represented and immediately contacted the police. When the police officer arrived, Kevin showed him the body whereupon the police officer turned immediately to him and said “Kevin James Hammond I must

*When the police officer arrived, Kevin showed him the body whereupon the police officer turned immediately to him and said “Kevin James Hammond I must caution you that you do not have to say anything but ...”.*

caution you that you do not have to say anything but ...”.

The period in Northam was not only legally and personally satisfying for Kevin but he had articulated clerks who went on either to be successful practitioners or to take up various positions on the Bench, including District Court Judge Peter Nisbet, Supreme Court Registrar Paul Johnson and Magistrate Brian Gluestein.

In 1978 Kevin shifted to Perth and joined Lavan & Walsh where he remained until February 1982. Part of the motivation for the return to Perth was the education of the four daughters of himself and his wife, Derryn. Those four daughters are Kate, Sarah, Celia and Rosalind. Kate is a doctor, Sarah a teacher, Celia a lawyer and Rosalind an actress. Derryn, a gentle sophisticated woman, became the English Mistress at Saint Hilda's.

Derryn and Kevin met when they were both members of the University Dramatic Society and have a life-time interest in the arts and theatre.

During this period he was a member of the Barristers' Board, the first Chairman

of the Land Valuation Tribunal of WA and a member of the Committee of Inquiry into the Future Organisation of the Legal Profession in Western Australia.

Kevin was appointed to the Bench of the District Court on 15 February 1982 and was appointed Chief Judge on 30 January 1995 and remained in that position until 31 December 2003.

He was also President of the Crime Prevention Council of Western Australia from 1983 to 1984 and Chair of the Review Committee established in 1996 to review all aspects of remission and parole, which Committee was referred to as the "Hammond Committee". It was the report of this Committee that led to very substantial amendments to the Sentencing Act. He was further a member of the Working Group on Criminal Trial Procedures established by the Standing Committee of Attorneys General, Melbourne and Sydney in 1999, a member of the Deliberative Forum on Criminal Trial Reform, Melbourne, 2000 and a member of the Advisory Board of the Crime Research Centre (UWA).

He was an erudite and lively member of

the Court. Most new Judges during that time would attest to the fact that he had an uncanny knack of turning up just when you needed him. Just when a problem in a particular case became too difficult and there was nowhere to turn for assistance, Kevin would turn up with much commonsense and wise advice and was always willing to assist.

Kevin has an enormously wide and varied range of friends in whom he takes great interest and about whom he gets great delight. He is also an inveterate attender of funerals, as only a good Irish Catholic of his generation can be. I often joke to him that he will have the biggest funeral in Western Australia not for anything he has achieved but because so many people will owe him an attendance at his funeral.

On 1 January 2004 he capped a truly distinguished career of exemplary service to the community by becoming the Commissioner for Crime and Corruption and the results of that have been reported to all of you through the media in the last three years.

The Hon Wayne Martin  
Chief Justice of Western Australia

## The State of Justice

The following is the inaugural Law Week address by the Chief Justice at a ceremonial sitting of the Supreme Court.

Law Week provides a valuable opportunity for the legal profession and the courts to better inform the public about the services we provide and the role we play within the community. The legal profession and the courts are the means by which the community obtains access to justice and both have a continuing obligation to do whatever we can to improve that access. It is impossible to overstate the importance of this right to justice. But there remains room for improvement.

Access to justice can be improved in many different ways. One important way is the demystification of the law and its processes. Although significant progress is being made

in this area, the technical complexity of the law and the stylised form of language which we use in the courts can be the source of confusion and misunderstanding which can in turn lead to a lack of trust and confidence. We lawyers must try harder to use language which is comprehensible to ordinary Western Australians. Even language which appears to us to be innocuous and simple may be confusing.

Take, for example, the instance in which a witness was asked by counsel whether their appearance in court was as a result of a subpoena. The witness answered that she would have come to court dressed the way she was anyway. Even attempts to put witnesses at their ease can fall flat – take for example, the Barrister who asked the witness to speak slowly and clearly, and tell what happened to the Judge, to receive the response, “Why – what happened to the Judge?”<sup>1</sup>



The Hon Wayne Martin

Although these examples are lighthearted and mundane, they illustrate a more significant point, which is that continued use of language which reinforces the traditional mystique and aura of the legal profession and the courts can be a source of confusion and therefore unhelpful.