Top judge Wayne Martin changed legal system

by Nicola Berkovic
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WA Chief Justice Wayne Martin has been appointed Companion in the General Division of the Order of Australia. Picture: Marie Nirme Source: The Australian

WHEN Wayne Martin was appointed Western Australia's top judge, he vowed to transform the state's legal system from a Rolls-Royce to a fuel-efficient vehicle that ordinary citizens could afford to drive out of the garage.

Six years later, the reforming and outspoken chief has been appointed a Companion in the General Division of the Order of Australia (AC) - the highest award under the nation's honours system.

Chief Justice Martin has not only delivered changes that have helped to streamline litigation in the state, but he has been prepared to leave behind the Rolls-Royce and drive on dusty red roads to the remote corners of the state.
He meets regularly with members of indigenous communities in an effort to understand what he labels the most intractable problem facing the justice system - the over-representation of indigenous people in the state's courts and jails.

"It's a change for many Aboriginal people, whose first meeting with a judge is more often from a dock inside a courtroom," he said.

"It's been a huge pleasure to meet with so many wonderful Aboriginal people, but of course the topic we talk about has been a very depressing one.

"I talk to them about the over-representation of their people in our courts and prisons. One of the things I'm disappointed in is that we just don't seem to be making a great deal of progress in reducing the representation of Aboriginal people in our courts and prisons.

"Despite there being lots of goodwill, lots of effort, lots of resources thrown at the problem, it just seems to be intractable."

He said until governments tackled the multi-faceted disadvantage that Aboriginal people faced, it was difficult to combat their over-representation in the justice system. However, he said he was heartened by the commonsense approach of magistrates and police in those areas - which sometimes involved departing from the strict letter of the law.

"Laws that are fashioned for metropolitan Perth don't really work all that well in the Great Sandy Desert," he said.

"It's good that the magistrates and lawyers and police are taking a practical approach in those parts of our state."

A young Wayne Martin fell into the law by accident - he considered medicine, but then his sister started bringing home body parts in bottles, and that put him off.

Instead he enrolled in law school, and after five years at the helm of the state Law Reform Commission he ascended straight from the bar to the post of chief justice.

Since then, he has eschewed the wigs and red robes worn by judges in criminal cases.
He has allowed cameras into the courts and has promised to further open the justice system to the internet.

At 59, Chief Justice Martin's reformist zeal has not waned. And he is unlikely to stop speaking out about the issues that drive him, including access to justice, a more transparent judicial complaints system and mandatory sentences for people-smugglers.

"It's never been my intention to ruffle any feathers but I do think ... the head of a jurisdiction, like a chief justice, has a responsibility to contribute to debate (about what happens in our courts)," he said.

Chief Justice Martin said coming into contact with so many West Australians was the best part of his job. But it was his five children, especially his three youngest, who kept his feet firmly on the ground. "They are a very good counterfoil for what I do during the day," he said.

"On Saturday mornings I get my instructions on where I'm to drive the children to their various sporting events, and that's great. You get to be with your kids, and you're standing on the sideline - again, talking to a lot of folk about what's actually going on in the community."