

Bar farewells Chief Justice Brian Martin

The retirement of Chief Justice B F Martin AO MBE at the end of October this year will mark the end of one of the longest and most distinguished legal careers in the Northern Territory's history.

The Chief Justice's legal career in the Northern Territory has spanned 40 years, commencing as a young solicitor in Alice Springs in 1963 and moving through the posts of Secretary of the Department of Law (1981 to 1986), NT Solicitor-General (1981 to 1987), NT Supreme Court judge (1987 to 1993) and NT Chief Justice (1993 to 2003). He was appointed a Queen's Counsel in 1981 and has been made a life member of the NT Bar Association.

Outside of the law, Brian Martin has taken an active role in public life and he has provided great service to his community. He was the Deputy Mayor and then Mayor of Alice Springs from 1971 to 1975. He was active in the local theatre company in Alice Springs, the establishment of the Araluen Foundation, the local Golf Club and also the Uniting Church. After he moved to Darwin in January 1981, he served as the Chair of the Australian Bicentennial Authority in the NT until 1989. For his services to the community he was awarded The Order of Australia in 1989.

Brian Frank Martin was born in Singleton New South Wales a little over 66 years ago. He was admitted as a solicitor in the Supreme Court of NSW in 1959 and practised in Sydney until 1963. Brian and Lorraine Martin were married in Sydney in 1963 shortly before they moved to Alice Springs, which became their home for the next 17 years. Each of their four children was born in Alice Springs.

When he first arrived in Alice Springs the town boasted a population of around 5000 – about one sixth of its present size. What is more, the firm of Barker and Martin (now Martin and Partners) was the only legal firm

in town. Legend has it that footraces were held to see who could get to their offices first to determine which side of the case got legal representation. Alice Springs remained a 'one firm town' until Paul Everingham arrived there from Queensland in mid-1966.

Not only has his Honour played his part in the Territory's history, he has also been associated with many other characters who have themselves played their part in our history. He was in legal partnership with Ian Barker QC in Alice Springs in the 1960s. He served on the Alice Springs Town Council as an alderman with Paul Everingham in the early 1970s. He was Deputy Mayor of Alice Springs to Jock Nelson, becoming Mayor in 1973 when Jock retired to become Administrator of the Territory. Then in the 1980s he became the Territory's second Solicitor-General after his former partner, Ian Barker. In 1989 both he and Paul Everingham were given Orders of Australia in the same honours list.

As Chief Justice, Brian Martin has always been a staunch defender of the legal profession and of the independence of the judiciary. He was often known to vent his spleen on members of the Executive and others who presumed to make incursions in these respects.

In 2001 he responded publicly to criticisms of the Supreme Court made by the then Chief Minister Mr Denis Burke about the sentencing decisions of judges. As part of that response, he implemented a website to allow members of the public access to sentencing remarks made by Judges and to foster a more informed debate.

Not surprisingly, he has been involved



John Reeves QC, President of the NT Bar Association

in many significant cases in the Territory – from both sides of the bench. Limits on space in this column will only allow me to give a few examples. In 1973, he and Michael Maurice acted as counsel in one of the Territory's longest running mining cases: *Jervois Sulphates (NT) Ltd -v- Petrocarb Explorations NL* (1974) 5 ALR 1. The issues in that case included estoppel, partnership, fiduciary relationships, forfeiture of mining tenements, improper purpose, malicious prosecution, perjury, trespass, remoteness of damage, negligence, the rule in *Rylands v Fletcher*, slander of title, injurious falsehood, conspiracy to commit tort, and aggravated and exemplary damages. It was Territory litigation at its highest intensity and complexity.

As Chief Justice he presided in the Court of Appeal decision in the 'euthanasia case' of *Wake -v- Northern Territory of Australia* (1996) 5 NTLR 170 and in the 'mandatory sentencing' case of *Wynbyrne v Marshall* (1997) 117 NTR 11. Both cases involved important constitutional issues for the Northern Territory. Most Territorians will recall that before the High Court appeal was heard in *Wake*, the Federal Parliament set aside Northern Territory legislation

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Home is the Catfish, home to the mud cont...

the job would have been much tougher, and probably impossible. In the Secretariat, chronologically, Maria Ceresa, Julie Davis, Sam Willcox, Lorelei Fong Lim, Josephine Stone and Barbara Bradshaw. I also would like to thank the current members of the secretariat, Sonya, Zoe and Sharon.

None of the improvements that have occurred over the past two years would have been possible without the great assistance from the members of the Council. Eileen Terrill, Merran Short, Duncan McLean, Sarah Hawke, Michael Grove, Michael Grant, Glen Dooley and Sue Oliver (in no particular order) have all played major roles in the Council. My thanks to them, and my best wishes for those who stand

again to face the incredible workload the Council has to take on.

My thanks also to my partners for letting me have the time to be involved in the Society, and have graciously let my failings in the firm pass uncommented.

My greatest thanks must go to my wife, who has patiently listened to my ravings, has suffered the boredom of being my proof reader and has given me the advantage of her great common sense in dealing with some of the conundrums I have had to face.

Splash. ①

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underscoring the tenuous nature of the Northern Territory's legislative powers.

On their retirement, Brian and Lorraine have plans to 'go bush' on extensive outback camping trips. Whilst they intend to divide their time between Adelaide and Darwin, Darwin will remain their home base. In his entry in Who's Who his Honour gives as one of his recreational pursuits; barbeque cooking – what better way to spend part of any retirement than cooking up a typical barbie on a peaceful dry season Darwin afternoon.

The NT Bar wishes both Brian and Lorraine Martin a very happy and lengthy retirement. ①