

Incoming Chief Justice Brian Martin

On 14 October 2003, Attorney-General Dr Peter Toyne announced that South Australian Supreme Court Judge Brian Martin will be the Territory's next Chief Justice.

The Law Society welcomed the appointment of Justice Brian Ross Martin, who has been a South Australian Supreme Court Judge since 1999 and recently presided over the infamous Snowtown 'bodies in the barrels' case.

"Justice Martin is highly regarded and very well-respected throughout the legal profession," LSNT President Merran Short said.

"Justice Martin is an excellent appointee and will bring a wealth of legal experience to the position," Ms Short said.

"We look forward to working with Justice Martin and believe that he will continue the tradition of strong leadership in the Northern Territory courts."

Justice Martin's long and established legal career includes a number of highlights. In January 1974, after four years in private practice, he took

up a position as an Assistant Crown Prosecutor in the Crown Prosecutions Section of the Adelaide Crown Law Office. He was appointed Deputy Crown Prosecutor in August 1979 and became Crown Prosecutor for the State of South Australia on 23 December 1982. On 4 October 1984 he was appointed a Queen's Counsel.

During his time as a Crown Prosecutor Justice Martin appeared in many complex criminal trials and his latter years involved an extensive appellate practice in the Court of Criminal Appeal and High Court. Trials of some notoriety included the prosecutions of Emily Perry and Bevan von Einem.

In May 1985 Justice Martin resigned and commenced private practice as a barrister. He practised in all jurisdictions until accepting a position as Senior Counsel assisting the West Australian Royal Commission into *Commercial Activities of Government and Other Matters*. The Commission occupied his time for almost two years during 1991 and 1992. Following the completion of the Royal Commission he resumed his practice as a barrister appearing in both criminal and civil

jurisdictions in Adelaide and Perth. His retainers in Perth included the prosecution of Alan Bond.

In 1994 Justice Martin reviewed the operation of the South Australian Equal Opportunity Act 1984 at the request of the Attorney-General for South Australia. He delivered a report in October 1994.

In March 1997 Justice Martin was appointed to the position of Commonwealth Director of Public Prosecutions. He resigned in February 1999 upon his appointment as a Judge of the Supreme Court of South Australia.

"His breadth of experience and calibre will be a welcome addition to the Territory's bench," Dr Toyne said.

"Justice Brian Martin has an outstanding reputation both as a barrister and for his leadership skills," he said.

Justice Martin will commence his appointment in January 2004. Justice David Angel will sit as Acting Chief Justice for the interim period since Chief Justice Brian Frank Martin MBE AO retired from his ten-year tenure at the end of October. ①

Chief Justice Brian Martin retires cont...

only met through strict adherence to principle. It's been my privilege, for the time being, to be entrusted with the office of Chief Justice, and I trust I leave it in good stead."

Chief Justice Martin also touched on the perception that judges and magistrates are aloof and removed from the community.

"Judicial officers, as you know, do not, as expected by many, live in ivory towers remote from the community.

"We all live in the real world, we all partake in the same types of activities which you do, but the proper discharge of our judicial functions means that we may not engage in the community in a way in which we might wish or might even enjoy or as some members of the community might expect.

"Maintaining the reputation of impartiality requires judicial officers refraining from public debate on issues, unless sorely pressed, as sometimes occurs. In so doing, the judge is not being aloof or unsympathetic, but simply properly detached. That is not to say that judges are not entirely isolated from the wider world, because many are very actively involved in a variety of community based activities, often as leaders in those organisations."

The Chief Justice also touched on the issue of media criticism of the court.

"... the criticism can be put up with a long time, sometimes, with some justification. The court's prepared to put up with that, and look at their ways and means to see if they can't resolve it and do better. But you get to a stage

where they really are quite outrageous, based on no foundation of fact.

"It's suggested that those who participate in talk back radio are those who govern the general public opinion throughout the Territory, and that their views are those which ought to influence the court. Well what's often overlooked, is the sub-editorial headline in the five second grab, is that the court has a duty to do and it must do it regardless of those sorts of pressures and criticism, many of which, as I say, are quite unfair.

"The courts have to apply the law, as it is, to the facts as they've been found upon the issues which have been joined between the parties and the evidence that they produce. The

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