



**8 August, 2006**

**Statement from the Chief Justice of Western Australia,  
the Hon Wayne Martin**

Western Australia's Chief Justice Wayne Martin said today he was concerned at recent unwarranted attacks on the State's criminal justice system.

He was particularly dismayed by the recent trend among media outlets to assume the roles of "prosecutor, defender, judge and jury" after verdicts have been handed down by juries in criminal trials.

"This new advocacy role being adopted by certain sections of the media after high profile trials is disturbing and is something which has the potential to greatly reduce public confidence in our justice system," he said.

The current attacks on the system in Western Australia were related mainly to half-a-dozen cases spread over the past 45 years.

Said the Chief Justice: "I am uncertain as to how many criminal cases would have been dealt with by WA courts in that time but it would have to run to tens of thousands."

"So to take half-a-dozen cases over 45 years, condemn their findings and then declare they demonstrate a systemic failure of criminal justice in this State fails to put these cases in their proper perspective."

He said a study of these particular cases revealed that the original trial decisions were in each case ultimately reversed because of fresh evidence emerging after the original trial – in most cases a long time after that trial.

In two cases such evidence came in part from a confession by another person; in another a police officer admitted he had perjured himself in the course of the original trial. And in two other cases came later evidence that the prosecution had failed to disclose relevant material to the defence.

It was very difficult for a justice system to foresee or prevent these events.

It is also important to note that these cases all turned upon issues relating to the evidence adduced at the original trial, as compared to the evidence later adduced. The gathering and leading of evidence is not the responsibility of the Courts, but of the investigators, prosecutors and defence counsel.

He added: “We do not have a system which could ever claim to be 100% accurate. It is just not possible given the nature of the system. But half-a-dozen cases in 45 years cannot be interpreted as a justice system in disarray. The important issue here is that in each of these cases it was the judicial system which reversed the original decision.”

“So ultimately we got it right. It may well have taken too long but the timing was dependent on the availability of the additional evidence.”

The Chief Justice said media criticisms of jury findings in trials was also a disturbing trend. “The jury system is a corner stone of democracy in our society and attempts to discredit it must be taken very seriously. It is most important that jurors not be influenced or intimidated in the performance of their vital task by the risk of aggressive and partisan media criticism of their verdict,” he added.

Media Contact:           Shaun Major  
                                  Ph: 9421 5303  
                                  Pager: 9324 4319