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## **WA Chief Justice Wayne Martin speaks out on state's incarceration numbers**

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Reflecting on his decade at the head of the Supreme Court in Western Australia, Chief Justice Wayne Martin says he remains concerned by the state's high incarceration rates despite crime rates falling.

"The public consider that we are drowning under a wave of crime and the courts of Western Australia are responding leniently and ineffectively to those crimes," Mr Martin told Geoff Hutchison on 720 ABC Perth.

"Neither of those perceptions are true."

Crimes rates in Australia have been in decline for the past 20 years, even in states where incarceration rates have not increased, Mr Martin said.

Ten years ago there were 3,300 people in WA prisons - now there are around 6,000, and Mr Martin said there continued to be widespread community concern about lenient sentencing for serious crimes.

He said policymakers had at times responded to this public concern by mandating higher punishments.

"Politicians have to respond to community values and they have to win elections if they want to be in government, but there is a need for a balance," Mr Martin said.

"Politicians have a responsibility to lead and to shape community values and to point out the true facts.

"I think the best way of keeping the community safe is by addressing the causes of crime.

"That means looking at the causes of crime - drug abuse, mental illness, homelessness and disadvantage.

"You can't keep people in prison forever; you've got to let them out."

### **Prison system is struggling**

Moreover, Mr Martin said, prison was expensive and offered limited opportunities for rehabilitation.

It costs \$334 a day to keep an adult in prison and \$800 a day for juvenile incarceration.

"The prison system is really struggling just to cope with the numbers," he said.

"The estimates are that half the prison population are mentally ill or have a cognitive deficit.

"The opportunities for treatment are not nearly as great as they ought to be."  
Indigenous incarceration: 'We are failing'

### **The problem is most acute for the state's Indigenous population.**

Currently Aboriginal people are 18 times more likely to be in prison than non-Aboriginal people in Western Australia, a figure Mr Martin said was "very depressing".

"When I was appointed it was the main thing I regarded as needing to be addressed," he said.

"Over the 10 years all I have seen is deterioration."

In the 25 years since the Royal Commission into Aboriginal Deaths in Custody released its findings, incarceration rates have doubled in WA.

"We are failing in that key indicator," Mr Martin said.

### **Less talking, more listening**

Mr Martin said he believed the solution lies in asking Aboriginal communities about what they need to turn their lives around.

It should not be a question of resources but how they are spent, Mr Martin said.

"My concern is that we haven't been listening to Aboriginal people about what they want and need to help them solve their problems," he said.

"It's not a white problem; it's an Aboriginal problem because most of the offending is against Aboriginal victims.

"We need to do a lot more listening and a lot less talking."

### **Relentless, depressing job**

One encouraging change Mr Martin said he had observed in recent years was greater community concern with family violence, led by campaigner Rosie Batty and the royal commission into the issue in Victoria.

"The thing I like about the focus that has been placed on this issue in recent years is the focus that has been placed on the interests and needs of the victims," he said.

After 10 years, Mr Martin said his job on the bench was "relentless, and can be depressing".

"It's just day after day hearing of human misery and the terrible things people do to each other," he said.

"But I have been reinforced by the very positive side of the community as well."