

*Notes for seminar with Coordinators of Community  
Justice Groups  
Holiday Inn Brisbane 7 December 2004  
(Presented by Judge Michael Forde)*

**Introduction**

1. The importance of CJG's in the justice system is underlined by the presence of the Chief Justice of Queensland who is here today. There are many judges who are involved on an ongoing basis with the Justice Groups throughout Queensland particularly in relation to sentencing. It is a requirement of the Penalties and Sentences Act that judges take into account the views of the justice groups when sentencing offenders. Over the past few years, I have come to rely on the submissions of the Justice groups particularly on Mornington Is. and at Doomadgee.
2. The role of the Justice Groups in the sentencing process in court is only one of the important roles of the Justice Groups. By being part of the justice system, the justice groups are seen as having more authority in the communities not only by government but by the people in the communities. When one visits the communities, it is clear that many of the members of the Justice Groups are leaders in their communities. Your people rely on you for leadership in other areas as well particularly in overseeing orders of the court, drug and alcohol and petrol sniffing treatment programs, counseling for domestic violence and of course the alcohol management programs which have caused some problems in being accepted.

**Need for professional support**

3. If the justice groups are to be more effective, there must be more professional support for your activities. This may be in the form of counselors, ongoing treatment for those with drug and alcohol programs and counseling for those involved in domestic violence. Nearly 90 percent of the case dealt with in the

communities are related to alcohol and result in violence usually to family members. To assist in the treatment of offenders, there should be programs available on an ongoing basis within the communities. This means that indigenous people should receive the training to handle these problems.

4. The lack of support to Justice Groups means that the human resources of a handful of people are stretched too and it often results in burnout. Visits to the communities on a monthly basis is not enough. Indigenous people should be on the ground and properly trained to handle these difficult situations.
5. After a trip to the Gulf in 2003, we undertook an audit of how much it would cost government to house prisoners. The cost of providing supervision for community based orders and probation or intensive correction orders was not included. The potential was \$2m. Subsequently, a report was sent to the Ombudsman who was doing a study of the problem. If \$500,000 was spent in preventative measures or ongoing support to deal with the problems of drugs, petrol sniffing, alcohol abuse, domestic violence, there would be a significant drop in the number of people who are sent to prison and less suffering for their families. There is a need to measure the outputs of any such spending. In other words, in those centres where the alcohol management programs are in place, has there been a lessening of crime. In Doomadgee the number of matters which I dealt with in 2003 decreased by about 60 percent. On Mornington Is. at the same time where the alcohol management program was not in place the figures did not change from 2002 to 2003. It is a little early to judge, but common sense does dictate that the initial figures have some validity. It is of concern to the judges who visit the communities that some offenders are facing their fourth serious domestic violence charge. That their spouse with whom they live may have brain damage from a previous assault. That any criminal compensation received by the victim may be spent by the offender or at least share in the proceeds of the award.
6. A recent statement by an indigenous leader Mr. Mundine made some sense. He stated that the male indigenous should try to deal with the problem of

domestic violence. They cannot do that without help from the Justice Groups and also assistance from people who are properly trained to counsel and assist those with problems in the communities.

### **Video and training manual**

7. A training video and a training manual was produced by me to assist Justice Groups understand the sentencing process. The manual is of particular assistance as it sets out the relevant legislation and also has a glossary of terms which explains the terms which are used in court. I recently received a request from the Justice group based at Inala for the video. Seminars have been held in other centres including Mt. Isa and Toowoomba where the video has been presented. If you require copies of the video or training manual, I suggest that you contact Michael Stubbins at DATSIP.
8. I thank you for the invitation to address you today. I hope that with the assistance of the Justice Groups that the judges and the leaders of the communities will contribute to a better environment for the next generation. Recently, I was interviewed by a journalist. He asked me the question “do you think that it is a lost cause, that things can never be changed for the indigenous communities”. I replied:  
“If you look at the lovely and bright faces of the children at Mornington Is. and elsewhere you would never give up trying”.