

TRANSCRIPT OF PROCEEDINGS

GLASGOW, Magistrate

OPENING OF THE YOUTH MURRI COURT

TOWNSVILLE

..DATE 15/02/2006

WARNING: The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complainants in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

BENCH: Ladies and gentlemen, I acknowledge the traditional owners of this country on which we meet today, and also the elders of the various communities of Townsville, Thuringowa and Palm Island out to Hughenden and down to Ayr and Ingham, which is the district in which the Townsville Magistrates Courts and the Townsville Childrens Court preside.

1

Initially when this matter of a Youth Murri Court was considered the elders decided they did not want to have a major ceremony. At their request we have kept it low key and invited only those people the elders wish to have here. I can understand that view because, really, we need to be a successful operation and the way success will be established is the way we manage ourselves over the next months.

10

We all here today also should acknowledge those traditional people from the indigenous communities who are teachers of the young of cultural and traditional ways, the wise, those who have great life experiences and those who manage the communities, whether they are called elders or not, for the whole intent of this Youth Murri Court is to receive from the indigenous communities feedback and support and advice in relation to sentencing of young offenders. In particular, the Court is looking to receive as much information as it can glean of family histories and extended family histories and also how the community itself will manage the sentences of the young people who appear before us. There is, I see, a desire of the communities including the Indigenous people who live in our cities and towns, to look after their own children who appear before this Court.

20

30

The three elders who sit with me I have known and respected for some years. I do acknowledge the absence of Aunty Alice who wished to have been here but because of other commitments cannot.

We have established guidelines which are flexible in themselves for our operation and we intend to ensure that there is a lack of formality about this Court. Today therefore is probably the only formal occasion at which the elders and I will really speak in this way.

40

I would like to invite each of the elders to make their comments now commencing from my left.

MRS KENNEDY: Oh, I knew I should have sat - shouldn't have sat on the end. But, yes, it is - it is really something that we are all gathered here today because I think it is something that has really been needed, especially for the - for the young ones because I would say that we elders know - know the - most of these kids, know their families, not just their mothers and fathers, but grandmothers, grandfathers, great grandmothers, uncles, aunties, all that kind of thing. So I think we've got to - we've got a fair wealth of knowledge that we can bring to the - to help the Magistrate.

50

I think that it's good that some of the kids actually see us sitting in Court. They don't think it's so good when

Magistrate Glasgow asks us to get up them and really - and we really do give it to them inside and outside a Court. But then again, that's part of the deal, they may as well hear it from us as to hear it from anyone else. And I just hope that it's going to go on and be a success if anything that we can do to help the young ones. That's my passion, the young, so that's about it.

1

BENCH: Thank you, Mrs Kennedy. Mrs Eva Kennedy, the second.

10

MRS KENNEDY: Well today is a historical event with the starting of the Murri Court. It's something that I've - holds very dear to me because of the fact that it helps to bring about a more balanced view for our children that are appearing before the Court. We're able to assist the Magistrate in giving - when we have to write up reports with more in-depth information, and it's good that the children can see their own up on the Bench as well as with the Magistrate. And I think that we're going to make some mistakes and I - I just say please don't judge us in the early stages because we will get it right eventually. My knees are knocking, but that will stop. And I just thank David Glasgow, your Honour, that you've given us the opportunity and the community to participate in caring for our children.

20

BENCH: Thank you, Mrs Kennedy. Mr Stubbin?

MR STUBBIN: Yeah, I'm really happy to be able to make it here today and I'm happy for all the indigenous people, especially in this community, 'cause this is a big deal this, you know? There's been a lot of hard work gone into this, not - not only the Magistrate but a lot of other people in other departments. Lot of indigenous people, they might not have been here in Court, but they've done their little bit here and there and it's all led up to this and we're here because of all the hard work by everybody. And I - our part - I mean everybody - mine's mostly talking and that, but we've got a lifetime of experience and by helping the children we'll help the parents and it'll just flow on into the community.

30

But it's no good after today if we just all leave here and just say, well that's out of the way, you know, we can just sit back now. The work's got to continue, we got to be fair dinkum and eventually it'll flow onto other elders in other areas. And the more elders that come here the better, because when the young people and the adults see elders come in here they'll know it's fair dinkum. And we've got to be honest when we're talking about defendants. It's not good because they're a friend of the family. I mean we've got to let them know that we're serious about what we're doing, but at the same time we've got to be caring about it and not be judgmental because that's not our job. That's the Magistrates' job to be like that.

40

50

But I'm really happy that all you people are here. Youse have all got your own problems and you've all got your own departments to deal with and it's not easy sometimes to become part of this sort of thing but you're all here and that's the

main thing. So let's hope you're here for the next one.
Thanks very much.

1

BENCH: Sergeant Beal, your comments.

SGT BEAL: Your Honour, would you like us to stand when we speak?

BENCH: No, please be seated.

10

SGT BEAL: Your Honour, firstly on behalf of Constable Chawner, I'd like to apologise for her absence today. She's unfortunately ill. She was looking forward to being a part of the inaugural proceedings as she will be an integral part of the Court as it continues over the next period of time. Having said that, my personal comments in relation to the start of the Murri Court, I can indicate when yourself approached me last year, Mr Glasgow, that I was very keen on the idea that a Murri Court could be started here in Townsville.

20

It is clear from a number of years' service in the Police Service, particularly in prosecutions in Townsville, that there is an over-representation of indigenous parties within the criminal justice system. Leanne and I have discussed this over some period of time since we've become involved the Murri Court and we are both committed to seeing recidivism in the Aboriginal community reduced. And I think we need to understand that that will be the test of this Court, is to see recidivism in the community reduced. We are both committed to that.

30

You will have to forgive us at times, we are bound by certain procedures and policies that the Police Service imposes on us. As Mr Glasgow knows, we are endeavouring to change some of those policies to make the running of this Court more effective and in fact make your jobs more relevant to the young people that we're going to be dealing with. All I can tell you is that we give our undertaking that we are supportive of this and we will continue that support with the endeavour of reducing the number of people coming before this Court.

40

BENCH: Mr Johannesen.

MR JOHANNESSEN: Yes, I would just like to say I'm very excited by this too. I have seen the adult version of the Murri Court in operation in Rockhampton and travelled with a few - people and the elders at the Bench there and it was something I could see there's a passion there and there's an obvious need in the community for children to have your influence, you know, involved in their lives, to let them know, just they bring that personal contact into the thing to know their history, the family, where they've come from, what the issues are, all of those sorts of things, and there's real value in doing that and the way they support the Magistrate in their deliberations as well. So it's a really positive Court to be a part of. I just want to give a commitment as Registrar for myself and for

50

the staff that we will support you and encourage you in any way that we can as well and I wish you all the best in it. It's a lot of work for the elders and the Community Justice Group itself so I just want to applaud you and say I appreciate the time that you're giving, the effort you're putting in, and I mean, hopefully at the end of the day I would like to see as others have mentioned that funding and things come through to support you even further. So, I wish you well.

1

BENCH: Ms Roberts from Youth Justice.

10

MS ROBERTS: Thank you. Your Honour, elders, thank you for the opportunity for actually being here today. I think it's a unique situation for Townsville itself, and Thuringowa. As we know, we've worked together on a number of occasions trying to come together in forums to address the over-representation of our young people and even though we've had a significant reduction in the amount of young people we're actually working with the percentage of the amount of young people that we're actually working with are still the same with indigenous young people. So it's a unique opportunity to come together as a collective and to work together as part of a whole community and not to point fingers, to, you know, come up with joint solutions in regards to our young people.

20

I think 2006 will see a lot of opportunities. There's mentoring programs out there for indigenous young people, there's alternative education programs now for young people and things that we can actually hopefully feed into for 2006 and assist in some way as well. I wish us all the very best and hopefully that we can model the way, not only for the north Queensland region but perhaps in other areas as well. Thank you.

30

BENCH: Mr Hinds from the ATSIL Legal Service.

MR HINDS: Your Honour, on behalf of our service we'd like to congratulate your Honour for bringing this all together. If it wasn't for your Honour's motivation and insight the Murri Court in Townsville would still be in the distant future. Our organisation supports the Murri Court. We see it as a perfect opportunity to get before the Court a better understanding of our culture and cultural and traditional backgrounds which is imperative when sentencing children. Your Honour, we have in the vicinity of 43 children sitting out in Cleveland at this very moment. Sadly, the majority of those juveniles sitting in Cleveland are either Torres Strait Islander or Aboriginal people. The percentage - I attended Cleveland yesterday afternoon and I understand the percentage is over 80 per cent.

40

50

There's a need for such a Court. There's a need for the kids themselves to see older members, elders, and other members being older than themselves in the Courts and trying to assist them in some form or some way. I've been a juvenile lawyer for ATSILS for some time now and I've seen the Justice Group work and function and I have full confidence that between the Justice Group, Corrective Services, the Department of

Communities, through the police - even though I doubt if the police want to support me too much but - through - through all the stakeholders I believe that this Court can be successful and it will cause a reduction in the incarceration of juveniles.

1

BENCH: Thank you Mr Hinds.

I invite you all after we complete our business, to join us at afternoon tea which has been provided by Mr Michael Bice of the Department of Justice.

10

This Court has not been established at the instigation Townsville Magistrates. It has certainly been our interest and our desire for it to happen but it's only come to fruition because of the initiative and the proper pressure from the indigenous community. Without the continuing support of this community the Court cannot be maintained. It is imperative the community continues its support by providing us with elders and their advice. It's also imperative government adequately resources the Justice Groups.

20

Before we adjourn to complete our business, I wish to acknowledge two people. Firstly, Miss Robyn Bowles from the Department of Youth Justice who's been our Court officer for years and has observed and helped in the integration of the Justice Group elders within the Children's Court over two years, thank you. Robyn's cooperation with and her understanding of indigenous issues is remarkable.

30

And finally, the person who should be congratulated perhaps more than others, the person who has kept us directed and focused, Kevin Nagn-Woo. Without his foresight, drive and the constant reminders, we wouldn't be where we are today.

I thank you for your time here today and your encouragement to all of us who will work in this court.

I do not anticipate we'll be more than half an hour with our program and I again invite you to join us for afternoon tea.

40

Thank you.

This Court is adjourned.

THE COURT ADJOURNED

50