

# TRANSCRIPT OF PROCEEDINGS

MAGISTRATES COURT

MACCALLUM, MAGISTRATE

IN THE MATTER OF THE OPENING OF THE MURRI COURT  
AT IPSWICH

IPSWICH

..DATE 12/02/2007

REGISTRAR: Our Attorney-General, the Honourable Kerry Shine and our Director-General Jim McGowan pass on their apologies for not attending today; they have other commitments up in the Atherton area. Can I also then thank Aaron Martin for his playing of the didgeridoo; he's snuck out very recently.

For me it's great to see a fabulous turnout on what is perhaps one of the greatest initiatives in the area to address the Aboriginal representation of indigenous people in the criminal justice system. So thank you all for coming today.

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Before we go much further can I offer my apologies to everyone without a seat; fear not though as we will soon have our new courthouse with a specially built Murri Court and we expect that to be concluded by the end of next year.

Without further ado I would like to call upon Her Honour Regional Coordinating Magistrate Donna MacCallum to address the Court.

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BENCH: Thank you, Jason, and I'll just formally direct that these proceedings be recorded.

Judge Irwin, Deputy Chief Magistrate Hine, Judge Kingham, Magistrates McLaughlin and Magistrate Daley, community members of the Murri Court, Elders and members of the Ipswich indigenous community gathered here, ladies and gentlemen, firstly, I would like to acknowledge the traditional owners of this land upon which we gather here today.

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For those of you who don't know me, my name is Donna MacCallum; I'm the Coordinating Magistrate for this Court. My colleagues, Magistrate Matt McLaughlin and Magistrate Judy Daley, join with me in welcoming everyone and to thank you for taking the time to attend what is a special moment in the history of the Ipswich Magistrates Court.

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We see the establishment of the Murri Court as a positive step and are hopeful that this will present the community with an opportunity to work cooperatively for the betterment of the indigenous people of this area. We're committed to the Court and we look forward to working together.

The journey to this day has been a long one. I've been in Ipswich for almost 10 years now and in that time I've been involved in three previous attempts to establish this Court. At least two of those attempts were at the instigation of Dan Haberman, a former legal service solicitor, who unfortunately isn't here with us today. Whilst those past attempts weren't successful, they obviously laid the groundwork for this day to become a reality.

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No project like this eventuates without the hard work, cooperation, positive attitude and enthusiasm of a number of people. As I've already noted this day has been the result of

a lot of past efforts; both from within the indigenous community and from legal representatives and judicial officers including most recently Judge Richards of the Ipswich District Court.

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In getting us here today, I would like to publicly thank the Ipswich community Social Justice Group, the Ipswich police prosecution corps, the Ipswich office of the Queensland Corrective Services, notably the current manager Gabrielle Payne, and the legal service solicitors and barristers all of whom have joined together in a spirit of cooperation and assistance.

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I also acknowledge the generosity and support of our colleagues Deputy Chief Magistrate Brian Hine and Magistrates David Glasgow and Annette Hennessy of the Brisbane, Townsville and Rockhampton Courts, respectively, who have provided advice and willingly shared material with us.

Whilst it's always difficult to single out individuals, because these events are always the end result of a lot of people providing assistance and input along the way, I think though it would be remiss of me not to acknowledge the outstanding efforts of Rosie Connors who has arranged meetings; followed up on possible programs and been a splendid liaison between the Court and the indigenous community.

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My thanks also have to go to Jason Schubert, the Registrar, who has, since his arrival here, picked up the ball and run with it very enthusiastically. I know that Jason has had to prepare minutes of meetings; circulate them; attend to all the minutiae of arranging an event such as this here today. Without him, I don't think we'd have been here and I'm personally grateful to him for having taken the burden from my shoulders. So job well done both of you.

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Unfortunately, Uncle Ross Andersen who was to deliver the welcome on behalf of the Yugurapul people, the traditional owners of this land, is unable to be with us today. But I understand that Tanya Oertel, who's sitting at the end here, was nominated by him to speak on his behalf. So I'll handover to Tanya who will deliver the formal welcome to Country. Thank you, Tanya.

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MS OERTEL: Good afternoon. My name is Tanya Oertel; I'm a descendent of the Yugurapul tribe. My grandmother, who celebrates her 87th birthday this Friday, is Mona Parsons. Mona is the last Elder of the original Yugurapul tribe. I'm here today as representative of the Yugurapul tribe, my grandmother and Uncle Ross Andersen, who could not be here due to work commitments.

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I welcome Elders, distinguished guests, ladies and gentlemen, to this joint initiative between the Ipswich Social Justice; the Justice and Attorney General and the Yugurapul; Jagara and Yuggera people, who are the three tribes of Ipswich.

I, Tanya Oertel, and my tribe, the Yugurapul people, welcome the Murri Court in Ipswich and believe the associated programs

are a positive and productive alternative. Thank you very much.

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REGISTRAR: Thank you, Tanya. I will now call upon - I now call upon Judge Irwin, Chief Magistrate, to address the Court.

HIS HONOUR: It's confusing; I've got too many titles. I would also like to commence by acknowledging the traditional owners of the land on which we gather today. I would also like to acknowledge my Ipswich colleagues: Coordinating Magistrate Donna MacCallum; Magistrates Daley and McLaughlin; my Deputy, Brian Hine; Judge Kingham and I'd like to take this opportunity to thank the District Court for their collegiality in making this courtroom available for us today for this ceremony and also her Honour Judge Richards who is on leave at the present time.

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I also recognise the presence here today of the Ipswich community representatives; members of the Ipswich Social Justice Group; members of the legal fraternity; the Deputy Director-General of the Department of Justice, Julie Grantham; the Court Administrator, Paul Marschke, and all of you, our distinguished guest. It is a pleasure to see people from such a wide range of different backgrounds and occupations coming together on this significant occasion; the official opening of the Ipswich Murri Court.

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I'd also like to thank Tanya Oertel for the welcome to Country on behalf of Uncle Ross Andersen and the traditional owners. It is a privilege for me to be involved on this occasion and to be so warmly welcomed.

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Murri Courts have been operating in Queensland since August of 2002. I am proud to say that they are an initiative of the Queensland Magistrates; initially by my predecessor as Chief Magistrate Dianne Fingleton and the Deputy Chief Magistrate Brian Hine who is with us today.

It was the Magistrates in Court everyday who said, "There is a way we can do better for indigenous people and reduce their level of over representation in the prison population". Everyone knows that this is not an easy task but it is an important step in addressing the issues that indigenous people encounter in their interaction with the criminal justice system.

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To achieve this, the Court has used a principle in our sentencing legislation which requires it to consider relevant submissions from community justice groups, including Elders and respected persons, when sentencing Aboriginal and Torres Strait Island offenders.

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Therefore, by applying the law of Queensland, it has been possible to provide Magistrates with more culturally appropriate sentencing options with a view to the rehabilitation of offenders and the reduction of recidivism. It is ultimately to the benefit of the community that this can be achieved.

As you have heard from Jason when the new Ipswich courthouse opens, later in 2008, it will have a special multi-purpose courtroom which will be well-designed to accommodate the special features of the Murri Court.

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The first Murri Court was established in Brisbane. The Murri Court in Ipswich is the seventh to be opened in Queensland. With other Courts already operating in Mt Isa; Rockhampton; Townsville; Caboolture and Cherbourg. The Court also extends to indigenous youth and there are a number of other areas where the indigenous community is working with Magistrates with the view to establishing a Murri Court.

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One of the inaugural Brisbane Elders, Uncle Albert Holt, recently said:

"It has been a watershed achievement to structure our Queensland Murri Court process on a spiritual or emotional level generating dignity and respect."

A recent review of the Murri Court initiated by the previous Attorney-General, the Honourable Linda Lavarch, resulted in a \$5.2 million commitment by the Queensland Government to the Murri Court over the next three years.

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I am delighted that not only will this result in a careful evaluation of the Court but also that it has already resulted in the creation of seven new Court or case coordinator positions to support the Court including a state coordinator. And I am pleased that Miss Fiona Criagie, who will assist the Ipswich Murri Court, is with us right at the back of the room today, directly under the arrow on the exit sign, and that the state manager of the Court, Mr Greg Wiman, in the blue shirt and tie sitting closest to the witness box; I'm very pleased that you're both with us here today.

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The funding that I have mentioned will also go towards community education and training for indigenous Elders and respected persons and members of the Social Justice Group in Ipswich who participate in the Court.

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An important aspect of the Murri Court is the involvement of indigenous Elders and respected persons in the Court process advising the Magistrate about cultural issues; assisting the offender to understand the Court process; assisting the Magistrate to decide on sentence that is appropriate, and I emphasise that the final sentence is always imposed by the Magistrate; and also acting as a connection between the Court and the local indigenous communities.

Feedback received from the review is that the involvement of Elders and respected persons in Court helps the offender develop trust in the Court. The Court's problem solving focus helps offenders to undertake rehabilitation and stop their offending and conduct and the Court is not regarded as lenient in its sentencing practices. The penalties are onerous as they often involve treatment and close supervision. The Murri Court is not a soft option.

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The Murri Court is also regarded as an effective mechanism for increasing participation and ownership by the indigenous community in the criminal justice process. I am therefore confident that the Ipswich Murri Court will help establish a link from the Court to the local indigenous community. I know that this Court has been established between the community and our Magistrates through engagement which, as you have heard, has taken place over quite a number of years.

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I also thank and congratulate all of those who have been involved in this effort which has culminated in this opening here today. I can assure you that the Magistracy will continue to work hard at making the legal system accessible for indigenous people in Queensland.

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I look forward to the Ipswich Magistrate's Court strengthening its partnership with the indigenous community in the coming years and months and having said that I now have much pleasure in declaring the Ipswich Murri Court open.

REGISTRAR: Thank you, Judge Irwin. I now call upon Donna MacCallum to introduce the committee members.

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BENCH: Yes. Thank you, Judge. Just before I ask one of the community members of the Murri Court to respond to the Judge's opening speech I'd like to introduce each of those members; if you wouldn't mind standing when your name is called.

First up is Gayle Munn and Elizabeth Bong; Joanne McConnell; Vern Yasso; Joseph Kirk and Phillip Connors. Thank you, ladies and gentlemen, and I'd now call upon Vern Yasso who will respond on behalf of the community members of the Court.

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MR YASSO: I'd like to thank the people that put this together today. I believe it's a direction in the right way. I believe it's a healing process to our people and we need this sort of thing - we need more say in the judgment of the way that our people - or the crimes that our people are committing today.

I'd like to thank the Judges and all those who put the effort in to making this a glorious day. Thank you.

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BENCH: All right. Well, essentially that ends the official part of this. If you'd all like to join us for lunch here just round in the jury room I think Jason will show everybody how to get around there. Thank you very much for coming.

THE COURT ADJOURNED

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