



FACE OF THE MURRI COURT ART PRESENTATION

Monday 11 February 2008 at 2.00 pm

Caloundra Courthouse, 3 Gregson Place Caloundra

Judge Marshall Irwin Chief Magistrate

I acknowledge the traditional owners and custodians of the land on which we gather today, and the presence of the Undumbi elders.

I also acknowledge the Deputy Chief Magistrate Brian Hine, Magistrate Diane Fingleton who presides at the Caloundra Magistrates Court, Magistrate Tom Killeen, the Regional Coordinating Magistrate for this area, the elders who honour us with their presence here today, Uncle Evan Blackman who has been a judge for the Face of the Murri Court Art Search Project along with Aunty Monica O'Callaghan, Assistant Director-General for the Department of Justice and Attorney-General Peter Mckay, Sean Harvey, Regional Services Manager for the Department, David Hay the Caloundra Clerk of the Court, Linda Ryles who has been the Murri Court Coordinator responsible for this Project, and Fiona Craigie who is also a Murri Court Coordinator – and all of you our distinguished guests.

I thank Aunty Ann Martin for her Welcome to Country. It is a pleasure to have Aunty Ann with us today together with her husband Max.

On this day which commences a week which has great significance for all Indigenous Australians we acknowledge the art work of Mr Dale Manns, a proud descendant of the Mandandangi people. He has kindly offered the rights to his design to the Department of Justice and Attorney-General through the Face of the Murri Court Art Search Project.

The purpose of this project was to identify artwork for use in promoting the message of the Queensland Murri Court. I thank everyone who participated in this project. However Mr Manns art work and the story it tells was selected by the panel of judges as being relevant to the activities of the Murri Court.

It is one of three paintings that has been selected for this purpose. The other two equal prize winners, have been honoured over the past week in ceremonies at Caboolture and Brisbane. I would like to express my appreciation to Uncle Evan who has made the significant effort to travel to each of these presentations. But this is Dale's day

Murri Courts have been operating in Queensland since August 2002. Deputy Chief Magistrate Hine and my predecessor as Chief Magistrate, Di Fingleton were the driving force behind this initiative.

The first Murri Court was established in Brisbane. With the opening of the Cairns Murri Court on 11 January 2008 there are now eleven Queensland Murri Courts. The other Murri Courts operate in Mount Isa, Rockhampton, Townsville, Cherbourg, Ipswich, Caboolture, Cleveland, the Cape York Community of Coen, and here at Caloundra.

It seems like only yesterday that a Youth Murri Court was established at Caloundra – but in fact it was July 2007. Appropriately the impetus to

open this court coincided with Magistrate Fingleton's appointment here. In this vision she was supported by the local elders. It has since been operating successfully with the cooperation, goodwill and commitment of the elders.

The Caloundra Youth Murri Court currently sits here every third Wednesday. On 25 January this year an adult Murri Court sat for the first time, and it is now scheduled to convene on the last Friday each month.

Murri Courts developed because of the magistrates, in court everyday, who said we can do better for Indigenous people and reduce their level of over-representation in the prison population. Even as we gather here almost a quarter of those held in prison are Indigenous, although Indigenous Australians make up less than 3 percent of the total population.

To achieve this, the court has used a principle in our sentencing legislation that requires it to consider relevant submissions from Community Justice Groups, including elders and respected persons when sentencing Aboriginal and Torres Strait Islander offenders.

Therefore by applying the law of Queensland it has been possible to give magistrates more culturally appropriate sentencing options with a view to the rehabilitation of offenders and the reduction of recidivism.

The Murri Court has increased the participation and ownership by the Indigenous community in the criminal justice process. It has therefore helped to establish a link from the court to local Indigenous communities.

The Attorney-General who is unable to be here today because of Cabinet commitments has recognised Murri Courts as an important initiative of Queensland Magistrates and that they have played a significant role in addressing Indigenous justice issues.

He has also expressed the Queensland Government's support for the excellent work done by the elders and members of community justice groups in the advice they give in developing innovative and productive sentencing options through the Murri Court.

The Queensland Government has expressed this support in a material way by funding 5 of the Murri Courts which were in existence in January 2007 to the extent of \$5.2 million, over three years as a part of the evaluation of those courts. From my perspective 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 magistrate to decide on a sentence that is most appropriate;
- Assisting the offender to understand the court process; and
- Acting as a connection between the court and the local Indigenous communities.

It is about effective penalties and not soft options. The penalties are onerous, as they often involve treatment and close supervision.

One of the elements that stands out to me from Mr Manns painting is its representation of the connection forged by the elders with the Court, through working with the magistrate as advisors. As Dale says speaking about Indigenous children, in his story of the painting:

“But with the Murri Court and people like Di Fingleton and the elders we can steer these ones back on course.”

I hope that Mr Manns will be able to share with us the story behind his painting.

It is essential to communicate the activities of the Murri Court to the community. The initiation of departmental publications – brochures and newsletters – promoting the Murri Court program during 2007 has been an important step in this direction.

Two editions of a departmental publication, the Murri Court News have provided a means to give public recognition to the contributions of Indigenous communities in the development of the Murri Court initiative. Therefore Mr Manns art work will feature in future publications and promotions of the Murri Court. The story telling involved in this art work will be a powerful means of communication.

I would like to thank Mr Manns for his agreement to allow this to occur because it will enhance these publications and promotions.

I would also like to thank Magistrate Fingleton who actually owns the painting. She agreed to Mr Manns entering it in the Art Search Project and to transfer the rights to the design to the Department of Justice and Attorney-General.

The painting will also hang in the courtroom where the Murri Court is held here. This has been done in many of our Murri courtrooms to build a cultural bridge between the justice system and the Indigenous community. Hopefully it also demonstrates to Indigenous defendants that the justice system has an appreciation for the culture of Indigenous people. If so the prospect of an appearance before the court should be

less intimidating for them with the result that less warrants for non-appearance will need to be issued. It is therefore pleasing to see this art work included in the Caloundra Murri Court.

To adopt the language of inaugural Brisbane Murri Court elder, Uncle Albert Holt this art work will be part of a process on “a spiritual or emotional level” which “generates dignity and respect.”

I therefore have much pleasure in awarding this cheque for \$1000.00 to Mr Manns in recognition of this achievement.