



ST GEORGE MURRI COURT OFFICIAL LAUNCH

**Wednesday 18 June 2008 at 10.00 a.m.
St George Courthouse
The Terrace, St George**

Judge Marshall Irwin Chief Magistrate

I acknowledge the traditional owners and custodians of the land on which we gather. I respect and am grateful for the wisdom of the elders – past, present and future – and their dedication to their communities, and in preserving the knowledge and rich cultural heritage of Queensland for all.

In saying this I adopt the words of the Murri Court DVD which was unveiled at the recent stimulating and successful Murri Court Conference in Brisbane, which a number of us who are here today were fortunate to attend.

I would also like to acknowledge Magistrates Sheryl Cornack, Pam Dowse and Ray Rinaudo – Magistrate Dowse is the Brisbane Childrens Court Magistrate and Magistrate Rinaudo is based in Charleville, all of the members of the St George Community Justice Group, Uncle Bill Hipkin an elder of the Brisbane Murri Courts, Mr Len Radnedge who is the Regional Services Manager for the Department of Justice and Attorney-General for this area, Council Fuhnmeister, Mr Ross Finlayson of the Aboriginal and Torres Strait Islander Legal Service, representatives of the Queensland Police Service, Queensland Corrective Services and the Department of Communities, and all of you – our distinguished guests.

The significance of this much anticipated occasion is highlighted by the presence here today of so many people who have taken the time and effort to travel from far and wide to participate.

I offer my warmest welcome to each of you.

I would also particularly like to thank Aunty Pam Turnbull for her welcome to country on behalf of the traditional owners, Gavin Fraser who has travelled from Roma at short notice to play the didgeridoo for us and our young singers.

I also thank Mr Glen Waters and Mr Adrian Combarngo in anticipation of their participation in this ceremony later this morning.

Unfortunately the Honourable Kerry Shine MP, Attorney-General and Minister for Justice and Minister Assisting the Premier in Western Queensland is unable to attend. However I pass on his best wishes for the success of this Murri Court.

I also adopt, as I have done on many previous occasions, the words of Uncle Albert Holt, one of the foundation elders of the inaugural Murri Court in Brisbane. He has said:

“It has been a watershed achievement to structure our Queensland Murri Court process on a spiritual or emotional level generating dignity and respect – an achievement I’m very proud of.”

I am also very proud and privileged that I have been given the opportunity for almost five years to have a close association with the Murri Court and all the wonderful people who have made it the integral part of the fabric of the Queensland criminal justice system that it is today.

The first Murri Court was implemented in Brisbane in August 2002 by my predecessor as Chief Magistrate, Diane Fingleton and Deputy Chief Magistrate Brian Hine.

I am fond of quoting the title of the Kevin Carmody – Paul Kelly song, *from little things, big things grow* to describe the development of the Murri Court over the six years since that time.

The success of the Murri Court has been recognised by the government which has provided \$5.2 M over three years from 1 January 2007 to evaluate the courts at Brisbane, Rockhampton, Townsville, Mount Isa and Caboolture. This evaluation is now being undertaken by the Australian Institute of Criminology (AIC).

I am delighted that this funding has also resulted in the creation of six Murri Court co-ordinators and a state-wide program manager to support the court. I am pleased that the state manager, Mr Greg Wiman and one of our co-ordinators, Ms Fiona Craigie are able to be with us today.

Since the initiation of that first Murri Court a further 12 Murri Courts have been developed – including both adult and youth courts and courts in the Indigenous communities of Cherbourg and Coen.

Therefore from today St George is our 13th Murri Court.

I am pleased to be here with Magistrate Cornack to launch it. It is an initiative of the St George Community Justice Group in consultation with her. I also wish to acknowledge the important and enthusiastic role that Acting Magistrate Stjernqvist has taken in making today possible. And I particularly wish to thank the Community Justice Group whose good will in addressing local issues has been instrumental in reaching this milestone.

The Attorney-General has previously said:

“The Queensland Government is committed to the expansion of the Murri Court, and supports the excellent work done by the elders and members of the community justice groups on the advice they give in developing innovative and productive sentencing options through the Murri Courts.”

As Uncle Albert Holt says:

“We have gone too far to go back where we came from.”

This was illustrated by the large number of people from diverse backgrounds – Indigenous and non-Indigenous – who attended our Murri Court Conference. I found this to be an overwhelming and humbling experience.

The AIC evaluators have described the Murri Court as a *collaborative problem solving court*, in which the key participants work together to determine the most appropriate solution to a defendant’s offending behaviour.

Those participants who are represented here today include – the magistrates, elders, respected persons and community justice group members, the Department of Justice, the Queensland Police Service, the Aboriginal and Torres Strait Islanders Legal Service, Queensland Corrective Services and the Department of Communities who have collaborated to achieve this success.

However the key to the success of the Murri Court is the involvement of the elders and respected persons in the proceedings. As the AIC identifies, benefits of their involvement include:

- a much greater level of information before the court regarding the defendant’s circumstances than would otherwise be available
- greater contribution from the defendant in determining sentencing outcomes and in developing strategies to address their offending behaviour
- increase in the capacity of the court to reintegrate the defendant into the community by establishing (or repairing) relationships between the offender and respected members of the community
- improved perceptions of the authority of the court, and greater respect for decision making and sentences imposed by magistrates.

Importantly as the Honourable Rob Hulls, Attorney-General of Victoria said in an article in *The Australian* (16 May 2008) with reference to the analogous Koori Court:

“there is nowhere to hide under the gaze of the elders.... The elders' ability to shame, humble and help an indigenous offender, combined with a magistrate's sentence, has proven to be a hugely successful approach.”

As he said “defendants have to speak for themselves and answer questions on why they committed an offence. They are forced to take accountability for their actions in a way that is more confronting than the mainstream court process.”

There is no doubt that defendants find their appearance before the elders a confronting, emotional and powerful experience.

Consistently with what Mr Hulls said about the Koori Court, it is the presence and advice of elders and respected persons that has made our Murri Court so successful.

I also agree with him that they help get at the cause of the criminal behaviour and break down the disengagement that Indigenous people have had with the 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 offender to understand the court process;
- Assisting the magistrate to decide on a sentence that is most appropriate; and
- Acting as a connection between the court and the local Indigenous communities.

Feedback received about Murri Courts is that:

- The involvement of elders and respected persons in the court process helps the offender develop trust in the court;
- The court's problem-solving focus helps offenders to undertake rehabilitation and stop their offending conduct; and
- The court is not regarded as lenient in its sentencing practises.

As you would know it is not a soft option. It is about effective sentencing of offenders who will be sentenced to imprisonment when appropriate. It is not a lighter sentence but one which is more meaningful to the offender. Where they are placed on community-based orders, onerous conditions aimed at their rehabilitation will be attached, including being subject to the requirements and directions of the local Community Justice Group.

To return to the Murri Court DVD, as Magistrate Bevan Manthey who has had a long association with Murri Courts says in his introduction, the Murri Court adheres to the law of Queensland. It is the same law for everybody - but the Murri Court applies this in a culturally appropriate way. It is also the magistrate who decides on and imposes the sentence. These are points which we must all emphasise at every opportunity.

In his apology to Australia's Indigenous peoples the Prime Minister spoke of "a future where we embrace the possibility of new solutions to enduring problems where old approaches have failed". He referred to this as "a future where all Australians, whatever their origins, are truly equal partners, and with an equal stake in shaping the next chapter in the history of this great country". The innovative Murri Court is one of these solutions. It is a solution which is working to close the gaps in Indigenous life expectancy, educational

achievement and employment opportunities which the Prime Minister has committed to reducing.

I am confident that the St George Murri Court will help establish a link from the court to the local indigenous community. It is a positive initiative which will present this community with an opportunity to work cooperatively with the Court for the betterment of Indigenous people in this area – and for the benefit of all people in this area.

An event such as this is always the result of the contribution by many people. Because it is difficult to single out individuals I would simply like to thank and congratulate all of those who have been involved in this effort which has culminated with the opening today. However I would like to specially thank Ms Belinda Skinner our enthusiastic St George Magistrates Court Registrar for her important role in making today a success.

I can assure you that the magistracy will continue to work hard at making the legal system accessible for Indigenous people in St George and throughout Queensland.

And so as we approach NAIDOC week which celebrates the history, culture and achievements of Aboriginal and Torres Strait Islander people I am sure that what is happening here today will allow us all to look forward with optimism and confidence to the future.

I therefore have much pleasure in declaring the St George Murri Court open.