

**OPENING OF THE QUEENSLAND INDIGENOUS JUSTICE CONFERENCE  
– 21 MAY 2009**

Thank you, Michael Williams, for your acknowledgement of the traditional owners, the Jagera and Turrbal people. May I also respectfully acknowledge the traditional owners of the beautiful bend of the Brisbane River where we meet and pay my respects to their elders past and present.

It is my great pleasure to welcome you today to the first conference organised by the Queensland Indigenous Justice Committee set up under the auspices of and funded by the National Judicial College. The conference is entitled “Aboriginal and Torres Strait Islander People and the Law in Queensland”. We have an extraordinarily varied and interesting programme organised by Michael Williams, Director of the Aboriginal and Torres Strait Islander Unit at the University of Queensland and Professor David Trigger, the Head of Anthropology at the University of Queensland. The programme in both its content and format will both inform and challenge the judicial officers present. It will also be a wonderful opportunity for informal discussion to take place amongst the presenters and the participants and community members and amongst the participants themselves.

I spoke at a judicial education conference in South Africa which was about implementation of their *Equality Act*. It brought together about 50 judicial officers from all over South Africa and so represented most if not all of the races within that nation. This was the first time that Constitutional, Court of Appeal and High Court judges had joined with Magistrates in such a seminar. The judicial officers learned a great deal from one another particularly by sharing their experiences across jurisdictions.

This conference is unusual since it has been commissioned by a committee set up with a representative of each of the courts in Queensland. Not all of those representatives were able to be present for this two day conference but I would like to acknowledge the assistance they have given in creating the opportunity for this workshop to take place. They are Justice Berna Collier from the Federal Court, Justice Donna O'Reilly from the Family Court, Federal Magistrate Stephen Coates, Judge Michael Shanahan from the District Court, Magistrates Wendy Cull and Jacqui Payne and myself from the Supreme Court of Queensland. I have been fortunate to be the Chair of this committee.

Nobody here needs to be told of the importance of mutual understanding between judicial officers and the Indigenous community. We live in a parliamentary democracy under the rule of law in which each of us is subject to the law. The role of the judiciary in our democracy is to give effect to and enforce the rule of law. This can only happen when citizens have confidence in the law. As judicial officers, we must understand and share the aspirations of Aboriginal and Torres Strait Islander people for a fair justice system which recognises and respects each of them. It is only through such mutual respect that we will all be able to truly say that we have a justice system that belongs to all of us.

To do this there are many areas to tackle. Indigenous over representation in custody is obviously one of them. Of the 27 and a half thousand prisoners in Australia on 30 June 2008, one in four was Indigenous. The proportion was slightly higher for women than for men, although it must be added that there are 14 times more men than women in custody. There is an obvious need for diversion programmes, bail programmes, youth justice programmes, understanding of Indigenous customs, language and

norms in court, more effective community corrections, and also health and education measures. Also extremely important is the role of Indigenous people as lawyers and judicial officers. It is only for example since women have played a more prominent role as lawyers and judges that the effect of the legal system on women has become part of the mainstream debate.

Also critical for the purposes of this workshop are mutual respect and understanding. To assist judges and magistrates with that task Michael Williams and David Trigger have organised speakers with a wide range of knowledge and depth of experience to speak on topics confronting Indigenous people today in their interaction with the justice system.

Michael Williams, who is the Director of the Aboriginal and Torres Strait Islander Studies Unit, is a member of the Gooreng Gooreng Aboriginal community. He has been active in Indigenous affairs both supporting Indigenous students and in imparting knowledge about Indigenous language and intellectual traditions for many years. He will address us on the particularly important topics of cross-cultural communication issues and contemporary Aboriginal and Torres Strait Islander custom and experience. In the first session we will also hear from Evan Blackman, who sits as an Elder on the Murri Court in Caloundra and who was a judge of the Face of the Murri Court Art Search Project, a project which demonstrates the importance of relationship between art, culture and law to generate both dignity and respect.

Professor David Trigger is a respected anthropologist who is a Professor in the School of Social Science at the University of Queensland and whose research interests include land, nature and cultural identity and

applied anthropology in Aboriginal Australia. There is no one better qualified to give us an overview of traditional cultural diversity across Queensland, traditional connections to place and people and cultural change, law and custom.

Also speaking in the session after morning tea will be Cathy Willetts and Jenny Sewter from the Oxfam Gulf Region Health Service. They will present a case study on youth, health and related issues. They will tell us about their work on remote and beautiful Mornington Island in the Gulf of Carpentaria. It is a whole of community approach that deals with the scourge of petrol sniffing, advice for healthy eating for the island's kids, a post-natal health and education programme for young mothers and a programme dealing with diabetes which is rife on Mornington Island.

After lunch we will hear from Bruce Martin, a Wik man from Aurukun in Cape York. He has worked with young people in that community on conditional bail programmes and in Cairns as a substance misuse worker delivering programmes aimed at young offenders and sniffers. He will address us on issues confronting young Aboriginal people in remote communities, bail programmes, court language and importantly the need for translation.

After afternoon tea we will be addressed by Dr. Jackie Huggins, Deputy Director of the Aboriginal and Torres Strait Islander Studies Unit at the University of Queensland. Jackie has been an inspirational leader for many years. She is an author, academic and was the co-chair of Reconciliation Australia. In 2000 she received the Premier's Millennium Award for excellence in Indigenous affairs and in 2001 she was awarded the Australia Medal for her work with Indigenous people particularly in

reconciliation, literacy, women's issues and social justice. In 2007 she was justly named University of Queensland Alumnus of the Year. Also in that session we will hear from Noritta Morseu-Diop who is an Indigenous social worker who will give us that perspective on the Queensland criminal justice system and its impact on Indigenous people in custody. In 2001 she gave an important conference paper entitled tellingly "You say you can hear us but are you really listening or are we just noise in the distance?" That session will be followed by an overview discussion with Aboriginal and Torres Strait Islander community participants.

This evening we will have dinner at the University of Queensland Staff and Graduates Club and the after dinner speaker will be John Williams-Mozley who is the son of Mary Williams, a woman from the Western Arrente people of Hermannsburg who was taken from her family at 13. He was adopted when he was seven months old and spent many years searching for his mother and spoke to her for the first time in 1978 when he was 28 years old and she was living at Tenant Creek. He then discovered he had three younger sisters and three younger brothers. He has therefore searing personal experience of the Stolen Generations. He was the first indigenous police officer in New South Wales and the first to work in an anti-terrorism squad. He is now the Director of Indigenous Education at the University of Southern Queensland.

The morning of the second day will be taken up with a hypothetical workshop which will require active involvement from the judicial officers. Grant Sarra will conduct an interactive workshop which provides an opportunity for participants to walk briefly in the shoes of Indigenous Australians. It is practical and intensive and will certainly

challenge us all. Mr Sarra has presented his interactive workshops for many organisations including for the University of Queensland, staff from many public service departments and Universities, non-government organisations, mining companies, police and fire brigades throughout the country.

After lunch tomorrow Sam Watson also an extremely well known Indigenous Queenslander who is co-deputy Director of the Aboriginal and Torres Islanders Studies Unit will address us. He is a published author and film producer and a well known Aboriginal leader. He will address us on policing and community and culture in Queensland. Also after lunch Associate Professor Jennifer Corrin, Executive Director – Asia Pacific Law from the Centre for Public, International and Comparative Law at the TC Beirne School of Law will give us copies of a survey that she would like us to fill in. Participation is entirely voluntary. Tomorrow will conclude with comments and group discussion facilitated by Michael Williams and David Trigger. You will be asked to fill in evaluation forms which are part of the conditions of funding by the NJCA so I urge you to do so.

We are also fortunate to have a wide range of participants in the seminar over the next two days. They include the Honourable Justice Margaret McMurdo, President of the Court of Appeal and Judges of Appeal, Pat Keane and Kate Holmes. From the Supreme Court of Queensland we have myself, and Justices Duncan McMeekin, (who is the central judge based in Rockhampton) Martin Daubney and Peter Lyons. From the District Court of Queensland are Judges Stuart Durward who normally sits in Townsville; Bill Everson who sits in Cairns; Michael Shanahan, Terry Martin and Tony Rafter who sit in Brisbane. From the Magistrates

Court we have Trevor Black and Joe Pinder who sit in Cairns; Damien Dwyer who sits in Emerald; Annette Hennessy from Rockhampton; Howard Osborne from Mt. Isa; Ross Risson from Mackay; Zachary Sarra who sits in Wynnum; Brian Smith who sits in Townsville; Diane Fingleton who sits in Caloundra and Jacqui Payne, Tina Prevetira and Wendy Cull who sit in Brisbane. Not everyone is able to be present for all of the two days because of court commitments; but all are welcome.

From the Federal Court we have Justice Berna Collier from Brisbane and Justice John Reeves from Darwin; Chris Fewings, Judicial Registrar with the Federal Court in Brisbane; Justice Brian Jordan from the Family Court; and Federal Magistrate Susan Purdon-Sully.

I should also like to thank Cameo Dalley and Monique Proud for their day to day organisation of the conference.

Welcome; and as they say “let the learning begin”.

Justice Roslyn Atkinson