



OFFICIAL OPENING OF THE CALOUNDRA YOUTH MURRI COURT

Wednesday 11 July 2007 at 2.00 pm

Caloundra Courthouse, 3 Gregson Place, Caloundra

Judge Marshall Irwin Chief Magistrate

I would like to acknowledge the traditional owners and custodians of the land on which we meet, the Attorney-General and Minister for Justice, the Honourable Kerry Shine, Magistrate Diane Fingleton, my predecessor as Chief Magistrate, the Undumbi Traditional Elders, Mr Graham Quinlivan of Legal Aid Queensland, Mr Shane Duffy CEO of ATSILS in South Queensland, members of the justice fraternity and all of you – our distinguished guests.

I offer my warmest welcome to you on this significant occasion in the history of the Caloundra Magistrates Court – the official opening of the Youth Murri Court. It is a privilege for me to be involved in this important event which is held during NAIDOC Week.

I would also like to thank Aunty Ann Martin for the Welcome to Country.

Murri Courts have been operating in Queensland since August 2002. I am proud to say that as the Attorney-General has expressly recognised they have been an important initiative of Queensland Magistrates and have played a significant role in addressing Indigenous justice issues.

Magistrate Fingleton and Deputy Chief Magistrate Brian Hine were the driving force behind this initiative. I am pleased that I can be here today with Magistrate Fingleton to launch this new Murri Court. It is again an initiative of hers, in consultation with the Indigenous community whose good will in addressing local issues has been instrumental in reaching this significant milestone.

The Murri Court developed because of the magistrates, in court every day, who said there is a way we can do better for Indigenous people and reduce their level of overrepresentation 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.

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. It is ultimately to the benefit of the community if this can be achieved.

The first Murri Court was established in Brisbane. The Murri Court in Caloundra is the tenth to be opened in Queensland, with other courts already operating in Mount Isa, Rockhampton, Townsville, Caboolture, Cherbourg, Ipswich, Cleveland and in the Cape York community of Coen. I expect that with the enthusiasm and support of the local communities and magistrates, more will follow before the end of the year. For example there have been recent public statements about a Murri Court commencing in Cairns this September.

One of the inaugural Brisbane elders, Uncle Albert Holt 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.”

A review of the Murri Court initiated last year by the previous Attorney-General and Minister for Justice, the Honourable Linda Lavarch resulted in a \$5.2 million commitment by the Queensland government to the court over the next 3 years.

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 six Murri court coordinators and a statewide program manager to support the court.

This funding for the Murri Court will also go towards community education and training for Indigenous elders and respected persons who participate in the court throughout Queensland. I would like to thank Magistrate Fingleton, Registrar David Hay and his staff, and the Caboolture Murri Court elders in organising a training day for the Caloundra Murri Court Elders.

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 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. The penalties are onerous, as they often involve treatment and close supervision.

The Murri Court is also regarded as an effective mechanism for increasing participation and ownership by the Indigenous community in the criminal justice process.

The Caloundra Youth Murri Court will adopt an early intervention strategy to divert young persons from the criminal justice system before they are at the point of potential imprisonment. Initially it will be held once a month on a Wednesday afternoon.

I am confident that the Caloundra Youth 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.

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

I look forward to the Caloundra Magistrates Court strengthening its partnership with the Indigenous community in the coming months and years ahead, consistent with the theme of this 50th Anniversary NAIDOC Week (and 40th Anniversary of the 1967 Referendum

that changed the Australian Constitution to give recognition to Aboriginal and Torres Strait Islander people): *Looking Forward, Looking Back*.

NAIDOC week celebrates the history, culture and achievements of Aboriginal and Torres Strait Islander people. And I am sure that as we do so, this event will allow us all to look forward with optimism and confidence to the future.

I now have much pleasure in declaring the Caloundra Youth Murri Court open.