

Judicial Officers' Bulletin

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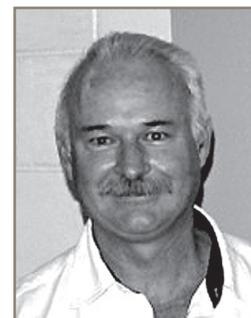
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Judicial officers' visit to Kempsey Aboriginal communities

His Honour Magistrate Doug Dick



The Judicial Commission's Aboriginal Cultural Awareness Committee¹ organised a visit to the mid-north coast over the weekend of 17–18 November 2007. The purpose of the visit was to educate judicial officers in all jurisdictions about Aboriginal culture, contemporary issues, and the challenges facing Aboriginal people in the legal system.

A delegation of 35 judicial officers and guests attended the weekend, representing the District Court, Industrial Relations Commission, Local Court, Judicial Commission and Aboriginal Justice Advisory Council. The weekend was meant to be, and indeed was, a learning experience. Although no one expected it to be so, it was also a powerful and emotionally draining experience.

Day one

Aunty Ruth Campbell-Maruca, an elder of the Dunghutti Nation, welcomed the group to the Booroongen Djugun Aboriginal College. Booroongen Djugun means sleeping on home ground. His Honour Judge John Nicholson SC spoke on behalf of all delegates when he acknowledged the traditional custodians of the land past and present. He told the gathering that the group was interested to learn of Aboriginal culture and hear life stories of the Aboriginal persons present.

Following an impressive spit roast lunch, the group heard from a number of community representatives and service providers. There was a brief welcome by Councillor Betty Green, Mayor of

Kempsey. In a wide-ranging and frank discussion, Councillor Green told participants about the problems Council faces with Indigenous issues. One of the more serious problems for the community is 9 to 14-year-olds avoiding going home at night. Councillor Green pondered what a solution might be, particularly in the absence of financial resources. It was clear that the Mayor had the respect of all the principal personalities in the Aboriginal community and was working closely with them to progress Indigenous opportunities and esteem within the Kempsey community.

Then followed a presentation by Garry Morris, CEO of Booroongen Djugun Aboriginal College. The multi-award-winning college provides programmes to assist Aboriginal people to become more competitive in the job market. Courses offered are industry approved, government accredited, and Abstudy eligible.

The group then heard speakers from the Dunghutti Community Justice Group canvassing issues such as the continuing impact of the stolen generation and ignorance of judicial processes. Many speakers were reluctant to share some of



their life's experiences as to do so caused immense pain and re-traumatisation. The group felt the emotional anguish of each speaker when hearing instances of discrimination, prejudices, stereotyping, and poverty experienced during their lives. One elder related a tragic story of how as a teenager she was taken from her family, moved to Sydney and placed in a children's home for four years. It took a further 39 years to trace her siblings. Many of the tales were of similar loss. One elder summed it up perfectly when he said: "we didn't go to war or commit a crime but we were treated worse than prisoners".

Speakers impressed the group with their tireless dedication to helping their people. Speakers had often held unpaid positions on various community agencies. Their time given freely to speak to the group was sincerely appreciated. There is an obvious commitment by community members to be innovative — to design and promote programmes to assist the disadvantaged in the Kempsey community.

Later in the day, the group heard about the mid-north coast correctional centre Balund-A programme. Balund-A means healing by the river and provides offenders with a second chance. The programme, aimed at offenders in the 18 to 30 year age bracket, is administered by the Department of Corrective Services, but is neither a gaol nor a lock down centre. The programme is currently restricted to the north coast and mid-north coast Local Court but may, with some lobbying, be available to the District Court when hearing appeals. The programme is Aboriginal-sensitive and applies post-guilty plea and pre-sentence.

Don Wade of the Probation and Parole Service spoke to the group. He described a pioneering process of inter-agency rehabilitation including counselling services for members of an offender's family. He described recent changes to community service orders with the introduction of a rigorous method of verifying hours worked. Work assigned was accredited towards further education in subjects such as horticulture and machine operation.

The last session on day one was a visit to Riverside Park where Councillor Green again addressed the group on Aboriginal-specific programmes, resource constraints, and places of importance on the mid-north coast.

Dinner that evening at the Tower Restaurant, Kempsey, provided judicial officers with an opportunity to discuss the various presentations and issues of the day.

Day two

After breakfast, the group visited Benelong's Haven Rehabilitation Centre to hear from Founding Director Val Bryant the history of the centre and the constant struggles experienced in securing funding. Benelong's Haven treats all forms of addiction by seeking to re-establish spiritual bonds in relationships that have been damaged by addiction. The centre is open to males, females, couples and families.

The group heard from Rob Carroll, one of the centre's first residents who gave an emotional account of how the

centre had changed his life. On the topic of funding he said: "I was always told to back a winner. Benelong's is a winner, it has the runs on the board but must constantly make submissions to secure funds, I don't understand". It was obvious that the centre does excellent work and that many success stories go unheralded.

Benelong's Haven was established in 1974. Previously, the Haven operated as the Kinchela Boys' Home. Literature provided on Kinchela records its notorious history: young boys stolen from their homes, stock whipped, frequently beaten using various other methods, tied up, sent out to labour on local farms, locked in a shed for several days, sent to work before dawn barefoot in mid-winter on frosted soil, warming their feet in cow dung, continuously denied access to their fretting parents by deliberately deceptive management. The boys were inevitably catalogued in reports by staff as being of below average intelligence, and were psychologically, emotionally and physically abused, and, if that were not enough, unabatedly sexually abused.

The group heard two very moving stories from members of the stolen generation. Hearing their poignant life stories illustrating incomprehensible cruelty, heartlessness, deception and racism towards innocent children by men and women working in the name of so-called good public service was an emotionally draining experience. Richard Campbell was sent to Kinchela at the age of seven and remained a resident well into his teenage years. The group's visit to the centre was Richard's first return in over 30 years. Richard's emotional state was distressing for all present. His courage in returning to a place that he could never call home was admired by all. Richard calculated that 80 per cent of his group had passed on. Many ended up incarcerated. Yet some few, including Richard, in spite of the brutal traumas of their childhood, succeeded. One became Australia's first indigenous Wallaby. Another became a professional musician. Richard is a now talented artist. He hopes that through his artwork he can open the eyes of Aboriginal and non-Aboriginal people alike to a common spirituality. He says:

"We all have a spiritual connection, we're all brothers and sisters with the animals, the trees, rivers and rocks, we all belong to one big god, call it Christ, we call it Birruggan, we are all one in God."

Richard's artworks have been commissioned for exhibition at the World Youth Day Celebrations that are to be held in Sydney, July 2008. Richard's artworks are developed in consultation with his sister Louise, who provides information on the theological elements of Richard's work, composing prayers and text.

Another former resident of the Home is Ian Lowe (Crow). He related similar appalling accounts of treatment administered under the guise of discipline. Throughout his life, Crow has recorded his feelings in verse. He read aloud many verses he had written, none more graphic than the following extract:

"Well the memory's come back to me
When we went back to Kinchela Boys Home

For a reunion
 The sad ones come back to haunt me again
 When some of the older boys got up to talk
 About their time in KBH and by the time
 It became my turn to talk I really was emotional
 And I couldn't say all that I wanted to say
 Because of feelings and memories
 Of all the boys' stories of the KBH
 And they were Bad, the memories.
 Memories are yours and no one else's
 Good or Bad, so you got to live with them
 Until you die."

As Crow read more than a dozen of his reflections, tears streamed down his face. His reflections had a profound effect on the delegates.

Two elders, Aunty Zona Moran and Aunty Janet Smith presented the last session for the weekend prior to lunch and heading home. They addressed the group on past and present issues relating to growing up and raising a family in the Kempsey area. They spoke of incredible hardships, of discrimination and of atrocities that reflect badly on Australia's history. Each elder spoke with a combination of bitterness, yet tenderness, and of anger not untouched by forgiveness.

The contrast between Kinchela Boys' Home and the Benelong's Haven was palpable — one a place of destruction, the other a place of healing managed by Indigenous people.

A final highlight for delegates came with the opportunity to mix with participants, staff and clients of Benelong's Haven over lunch. During lunch, members of the group were taken on a tour of the Haven and were given an opportunity to talk with the local Aboriginal people.

It is obviously difficult for Aboriginal people to move on, yet through an inner strength, that is exactly what many are doing. Having heard so many accounts of unbelievable hardship, one might expect to find a broken people, but that was not the case. His Honour Judge Nicholson SC acknowledged the Aboriginal people of Kempsey in his closing address and expressed heartfelt thanks to the organisers and speakers of the weekend, noting that the Aboriginal people of Kempsey are a strong people, a proud people, and a generous people.

The delegation had a first hand experience of aspects of the relationship between local Aboriginal people and government instrumentalities. The group heard of the historical and social factors that contribute to the disadvantaged position of many Aboriginal people and of the nature of relations between the Aboriginal and non-Aboriginal communities. The weekend provided an opportunity to informally meet members of the Aboriginal community in order to improve cross-cultural understanding. All who participated in the weekend, whether black or white, came away better individuals for the experience and with a realisation that reconciliation has a long way to go.

A number of the delegation wrote comments for the Dunghutti community:

"A most moving and informative morning. Keep up the good work. I've sent people to Benelong's Haven

in the past and will do so in the future. I think it is a splendid place." His Honour Judge Michael Finnane RFD QC

"This has been a confronting and moving visit and we are grateful for so many people being willing and strong enough to share their experiences with us." Her Honour Magistrate Daphne Kok

"I am so very sorry ... but the stories need to be told far and wide. It's been an eye opener. Thanks so very much for your hospitality and your forgiveness." Commissioner Inaam Tabbaa, Industrial Relations Commission of New South Wales

"I am impressed with the co-ordination of your support services and the motivated people you have in the Kempsey area running those services. If only this could be replicated in areas such as Walgett and Brewarrina. I live in hope." Her Honour Magistrate Fiona Toose

"It is always profoundly sad and moving to hear stories of the removal of Aboriginal children. However, they are stories which must be told and we need to know this part of our history. The transformation of the terrible place that was Kinchela to Benelong's Haven is truly wonderful." Her Honour Magistrate Hilary Hannam

"I have been privileged to have been part of this weekend. I work with Indigenous people in Central Australia where there is much sadness. I have worked with Indigenous people in Wagga Wagga and I wish I had more knowledge then. Now I have more knowledge and hopefully more wisdom to do better with 'your people' whom I feel part of." Dr Don Hannam

"We can all help. Door by door. Street by street, suburb by suburb. An amazing success overcoming amazing adversity. With support, problems can become solutions." Mr Terry Chenery, Chief Executive Officer, Aboriginal Justice Advisory Council

The delegation met men and women of great strength, courage and character. In their journey, these good folk were robbed of their childhood, their parents, family and the fun all children should be able to claim as their own. The men and women we met have shown resilience, compassion to each other, and vision for the future. Today, they are making a wonderful contribution to their community's welfare, even though they still carry scars. Clearly there is a value in taking their stories into a community wider than the judiciary.

The Committee gives special thanks to his Honour Magistrate Wayne Evans and Circle Court Project Officer Victor Darcy for their industry in organising the event.

Endnotes

- 1 A committee established by the Judicial Commission of NSW in response to Recommendation 96 of the Royal Commission into Aboriginal Deaths in Custody, *National Report*, Vol 5, AGPS, Canberra.