

Judicial Officers' Bulletin

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Features

53 A journey to respect

His Honour Judge Stephen Norrish QC and Ms Ruth Sheard

56 The Balund-a Diversionary Program

Recent decisions

57 High Court

- *Minister for Immigration and Citizenship v SZMDS*
- *Wicks v State Rail Authority of NSW; Sheehan v State Rail Authority of NSW*

58 Court of Criminal Appeal

- *Corby v R*
- *Nagi v DPP*
- *Kutschera v R*

59 Select legislation

60 Education Calendar Judicial Moves

A journey to respect

His Honour Judge Stephen Norrish QC* and Ms Ruth Sheard**



Ngara Yura Program

*“Live by the lore, don't come before the law” —
Aunty Annabelle Walker, Bundjalung Elder*



Biripi Elders Aunty Susie Russell and Mr David Russell welcomed the visitors to Saltwater meeting place.

“Ngara”, in the Eora language, means “to listen and to hear”. That is what our group of 11 judicial officers, their partners and Judicial Commission staff did during our visit to the Taree and Forster Aboriginal communities on the weekend of 26–27 June 2010 when we met with around 60 representatives of the Biripi and Worimi nations.

The visit was an incredibly valuable experience for all participants, whether

judicial officer or community member. By talking to and listening to each other's stories, we came to a better understanding about each other's concerns and hopes.

Tammy Wright, the Judicial Commission's Aboriginal Project Officer, organised a comprehensive program. The visit began at Saltwater, a traditional Aboriginal meeting place before European settlement, now managed by the National Parks and Wildlife Service. Our group



was welcomed by Biripi Elders and Paul Hogan, Mayor of Greater Taree City Council.

Following a traditional dance performance by the Darribin Dancers, Joanne Tallentire, the Aboriginal Community Officer for Greater Taree City Council, led a group discussion about issues of concern for the local community. Shaun Grace, Manager of the Balund-a Centre (see p 56), Will Paulson, a local Police Aboriginal Community Liaison Officer, Wayne Paulson, Client Service Officer at Taree Court, Ralph Saunders, manager of a local Aboriginal radio service, Victor Darcy, Circle Sentencing Project Officer at Kempsey, John Clark, director of the local Aboriginal employment program, and Mark Rutherford from the Probation and Parole Service, provided valuable information about available community programs.

After the presentations and group discussion, we moved to the Purfleet community on the outskirts of Taree and were led on a tour of the Biripi Aboriginal Medical Centre by Amanda Bridge. After dinner on Saturday evening we joined with community members to see a locally produced film *Respect*. This showed the grim reality of the relationship between lack of communal and personal respect, alcohol and drug abuse, and domestic violence.

Sunday morning began with a visit to the Tobwabba Art Centre where our group was cleansed with a smoking ceremony. We were then welcomed to Worimi land by Donna Hall, a local Elder and Chairperson of the local Land Council. A panel discussion followed, convened by Tim Kelly, Chief Executive Officer of the Land Council during which Elders, representatives of government agencies and Aboriginal organisations, and our delegation met in a circle to discuss issues relating to the local community. Lee Townsend, a Wiradjuri woman now residing in Forster,

spoke of “The Yarning Circle”, an educational, social development and healing mechanism for young people and Elders seeking to establish “lines of communication” in a structured, nurturing environment. Jean Paulson reminded those present to reflect on the issues raised over the weekend and to remember the experience and lessons learnt.

A number of issues were raised over the two days including:

- lack of services for drug, alcohol and mental health counselling and rehabilitation
- lack of educational and employment opportunities for young people locally
- concerns about the over representation of Aboriginal people in custody
- the importance of building respect for Aboriginal culture and Elders to help address the causes and consequences of offending
- the importance of building communal and personal respect to better equip communities to deal with alcohol and drug abuse and domestic violence
- the need to bring young people back to traditional ways.

A consistent theme in our discussions was the importance of cultural identity to help communities deal with problems and the need for the wider community to recognise Aboriginal ways of learning, doing and communicating. In particular, participants stressed the need for Aboriginal cultural programs to help deflect offenders’ attention from life styles that contribute to their appearances in court.

The weekend was characterised by respect: all participants showed respect for each other. The cultural activities provided an insight into the Biripi and Worimi nations’ culture and, in turn, local people appreciated the judicial officers visiting their community, listening to them and respecting their views.



Paul Hogan, Mayor of Greater Taree City Council, addressing the group at Saltwater. Photo courtesy of Kevin Carter, NPWS.

The community visit was a reminder of the constant sources of frustration, struggle and concern for Aboriginal people: the lack of educational and employment opportunities, access to adequate services, racism, discrimination and the struggle to hold on to cultural identity and develop it for later generations.

The Elders and Aboriginal community members expressed their gratitude for the interest in their communities shown by the judiciary. Will Paulson spoke of the effect the visit would have in encouraging local pride in identity and enhancing the confidence of Aboriginal people in judicial attitudes to Aboriginal people: "The act of coming spoke more than words — no-one thought it possible."

The Ngara Yura Committee thanks all the Elders, community members, Aboriginal and government organisations that selflessly gave the time and effort to assist our group to come away with a better understanding of the social, cultural and economic circumstances of these communities.

All judicial officers would benefit from attending a future community visit to gain a better understanding of the challenges for Aboriginal society and culture in the modern world, and to learn about programs and facilities, many run without government funding, that are available for use by courts as alternatives to incarceration or as vehicles for rehabilitation.

Endnotes

- * Chair, Ngara Yura Committee, Judicial Commission of NSW
- ** Manager, Conferences and Communication, Judicial Commission of NSW



Mr Steve Breerton preparing for the smoking ceremony at Tobwabba Art Centre.



(l-r) His Honour Magistrate Brian Lulham, Detective Inspector Tony Powers, Mrs Tammy Wright, His Honour Judge Stephen Norrish QC and Mr Will Paulson, ACLO.



Judicial officers and community members participated in a yarning circle to build trust and reflect on the weekend's experiences.



Judicial officers, Elders and community members pictured together at Forster.

The Balund-a Diversionary Program: “A Second Chance by the River”



Aunty Annabelle Walker, Bundjalung Elder, talked about her role at Balund-a during the recent community visit to Taree and Forster. Photo courtesy of Kevin Carter, NPWS.

Judicial officers can refer offenders to the Balund-a Diversionary Program. This is an innovative residential diversionary program for male and female offenders aged between 18 and 35 years of age in northern New South Wales.

The program aims to reduce re-offending and enhance skills within a culturally supportive environment. In the words of the Bundjalung people, this program is “*Bugilmah Burube Wullinje Balund-a*” which roughly translates as “Be good now you have a second chance down by the river”.

Offenders enter the program as a condition of a s 11 bond, initially for a two-week assessment period. If considered suitable, offenders enter the program for a minimum period of six months. Once a person has completed the program, the Probation and Parole Service prepares a pre-sentence report advising of the offender’s progress at Balund-a and the offender returns to court for sentencing.

Structured programs address specific areas of risk to assist in improving life skills and reintegration into the community, for example, drug and alcohol counselling, anger management, domestic violence, personal relationships, parenting skills and living skills. Education programs focus on literacy, farming and agricultural skills, catering skills and work-readiness. In addition, all residents are required to attend a cognitive skills program, “Think First”. Cultural activities include excursions to sacred sites, music, dance and art. Bundjalung Elders employed by the program provide support and assist residents to recognise, restore and value cultural links with their land and history. Partnerships with community organisations help with resettlement, allowing continuing support after the resident leaves Balund-a.

Operated by the Department of Corrective Services, the Balund-a Centre is located within the Bundjalung Nation at Tabulam, around 80 km west of Casino. The catchment area for the program has recently been extended beyond the Bundjalung Nation, and it is now available for eligible persons living between the Tweed River to the north, Forster to the south and Armidale to the west. The program can accommodate up to 55 residents and is primarily designed for Aboriginal people, although others may be eligible to participate. Staff comprise employees of the Department of Corrective Services and contracted counsellors and teachers.

Balund-a provides residents with time to reflect on where they are heading on their future path. By promoting community and personal responsibility, and focusing on cultural education, the program gives residents respect, knowledge, pride and dignity in their culture.

For further information regarding the program contact Director Julie Webber, Lismore Probation and Parole on (02) 66221277 or Julie.Webber@dcs.nsw.gov.au.

