

# Judicial Officers' Bulletin

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## Connecting with Far South Coast Aboriginal communities



**Kate Lumley**

*Editor, Judicial Officers' Bulletin*

*"To know where we come from is to know where we stand and is to know where we walk tomorrow."* Glenda Jessop



*Judicial officers, Ngarra Yura committee members, community members and Judicial Commission staff pictured together at Narooma.*

Judicial officers and more than 60 people from the Wallaga Lake and Narooma community met together over the weekend of 21–22 November 2009. The visit was organised by the Judicial Commission's Ngarra Yura committee as part of its commitment to improve cross-cultural understanding, a recommendation arising from the Royal Commission into Aboriginal Deaths in Custody.<sup>1</sup>

Tammy Wright, the Judicial Commission's Aboriginal Project Officer, organised a busy itinerary to the Yuin people's scenic country on the Far South Coast. The judicial group visited the Umbarra Cultural Centre, Little Yuin Aboriginal Family Centre, and Wallaga Lake and Narooma townships to meet and

hear from representatives of community and government organisations about the services they offer and the local people's major concerns and hopes.

The meetings raised a recurring issue of concern to community members and their representatives from medical and legal service providers about the lack of resources and inadequate funding from government for various services, including transport, psychiatric and psychological treatment, as well as drug and alcohol counselling. For Sue Heycox, Director of Katungul Medical Corporation, the absence of recurrent funding was a contributing factor to reductions in staffing or days that medical staff were available. Sue pointed out that the medical





*(l-r) His Honour Magistrate Jim Coombs and his Honour Magistrate Peter Miszalski with Elder Vivienne Mason and Maureen Davis*



*(l-r) Her Honour Judge Helen Murrell SC, his Honour Magistrate Michael Stoddart and her Honour Judge Linda Ashford*



*His Honour Judge Stephen Norrish QC, Chair of Ngara Yura Committee, addresses the group at the Umbarra Cultural Centre, Wallaga Lake*

clinic at Wallaga Lake operated out of a donated caravan and Katungul operated three clinics from one budget.

The enduring presence of customary law and the conflict that arises between cultural practices and white man's law was a recurring theme. Elder Uncle Lionel Mongta spoke of his frustration with fishing restrictions, particularly for abalone. To dive for abalone without an expensive licence is poaching under the white man's law but is also to practise a cultural tradition of the Yuin people. Aunty Shirley Foster, a Wallaga Lake Elder, suggested that judicial officers should live in community and participate in ceremony, a suggestion also made by Dr Bob Morgan at the "Exchanging Ideas" conference.<sup>2</sup> Aboriginal court specialist Glenda Jessop explained how Indigenous people are traditionally taught not to make eye contact with authority figures as a sign of respect however this could be interpreted by authority figures as indicating disrespect or evasiveness when appearing as a witness.<sup>3</sup> A simple but significant way to acknowledge traditional culture is for an Elder to perform a Welcome to Country at the opening of official functions and the Mayor of Eurobadalla Shire Council, Fergus Thomson who attended the weekend, agreed that this would now be done on Australia Day in Narooma. The Ngara Yura Committee encourages judicial officers to have a Welcome to Country performed at the beginning of court session or to say an Acknowledgement to Country at the commencement of proceedings.

Many of the local Elders and parents spoke of their concerns about racism in the local towns and, in particular, business owners' suspicion of their children, police harassment of young people, and the Indigenous people's ongoing distrust of the police. Local Area Commander Sean Gersbach, who attended the Umbarra Cultural Centre meeting, is very aware of the need to improve police and community relations and is committed to organising regular meetings throughout the Far South Coast command to promote this. An important and highly regarded local initiative to foster police/youth relations is the Wanga Idingii Program. The Local Area Command and other government and community organisations have developed this diversionary course for young people aged 8–15 years. A 12-month structured program is offered to about 40 young people who are nominated from high schools in the region to undergo courses in cultural awareness, education, crime prevention, employment readiness and life skills. Those who finish the program continue as mentors for the next participants. The Wanga Idingii committee also runs a leadership program for young people identified by their high school principals as future leaders. The students complete a year of training and then undertake a trip to implement their leadership skills. In 2007, 13 Aboriginal young leaders were taken on the challenging Kokoda Track and in 2009 they walked the Larapinta Trail in the Northern Territory. Presenter Sergeant Janeene Michelle recalled a memorable and haunting moment when one of the Aboriginal youths played his didgeridoo that he had carried along the Kokoda Track and danced at a dawn service at the Isurava memorial.



Wallaga Lake Elder Mervyn Penrith with Tammy Wright, Aboriginal Project Officer at the Judicial Commission

Another ongoing community concern is the cascading impact of non-payment of fines which leads to licence cancellations, notwithstanding that there has been no offence committed contrary to public safety.<sup>4</sup> In remote areas, it is extremely difficult for people who have lost their licence to travel to work, or to access other facilities such as health clinics. This problem is compounded by the lack of dedicated community transport within the region. Recently, a Wallaga Lake Elder had to hitchhike home after being discharged from dialysis treatment at Moruya Hospital. Mayor Fergus Thomson offered to convene a meeting with community representatives to examine how the local council can assist with their transport needs.

This community visit is the fifth organised by the Ngara Yura committee in the past two years and was supported by the largest community turn out to date. Tammy Wright observed that the purpose of the visit was to make

connections. The visit not only enabled judicial officers to connect with and understand some of the issues the Yuin people deal with on a daily basis, it also provided an important forum for Indigenous community members to discuss their concerns and explore some positive solutions with the Mayor and the Local Area Police Commander.

## Endnotes

- 1 Royal Commission into Aboriginal Deaths in Custody, *National Report*, 1991, Recommendation 96.
- 2 Reported at (2009) 21 *Judicial Officers' Bulletin* 37 at 40.
- 3 The Judicial Commission's *Equality Before the Law Bench Book* at [2.2.2] and [2.2.2.2] contains relevant information for judicial officers about this.
- 4 See S Clarke, S Forell, E McCarron, "Fine but not fair: fines and their disadvantage", (2008) Justice Issues Paper 3 at <xml:lawfoundation.net.au/ljff/site/articleIDs/0F689939CC1763FECA2575710005194A/\$file/JI3\_Fines\_web.pdf>, accessed 23 November 2009.



(l-r) Her Honour Judge Anne Quirk, Mrs Jo Norrish and Ms Ingrid Mitchell



(l-r) Her Honour Judge Helen Murrell SC, her Honour Judge Linda Ashford and Mr Terry Chenery, member of the Ngara Yura Committee.



Young dancers performing a welcome dance for the visitors.