

# MEDIA RELEASE



NEW SOUTH WALES  
BAR ASSOCIATION



## **BAR ASSOCIATION AND POLICE ASSOCIATION OF NSW UNITE TO SUPPORT INDIGENOUS SENTENCING COURT**

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The President of the New South Wales Bar Association Arthur Moses SC and the Secretary of the Police Association of NSW Pat Gooley today jointly called for the NSW Government to fund a specific Indigenous Sentencing Court – the Walama Court.

“Our organisations, representing barristers and police officers in this State, believe that urgent action needs to be taken to address the spiralling rates of Indigenous incarceration. Although Aboriginal and Torres Strait Islander adults comprise 3% of the population, they make up 27% of prisoners nationwide. The figures are even worse in NSW. It is time for innovative solutions to be put in place that address the underlying causes of Indigenous offending and reoffending.” Mr Moses and Mr Gooley said.

The Walama Court proposal involves a hybrid model incorporating aspects of the Victorian Koori Court and the NSW Drug Court. The model proposes a community-based option where the judge has the capacity to monitor the progress of the individual post-sentence. The monitoring will include an intensive period of monitoring including more intensive supervision by Community Corrections in the community. Further details regarding the Walama Court model are contained in the attached Briefing Note.

“The Police Association of NSW has supported this proposal for some time. Police are sick of the rhetoric to gain political mileage. This is a genuine solution that will reduce the number of victims of crime and reduce the incidence of predominately young men being incarcerated.” Mr Gooley said.

“The social impact that incarceration has on Aboriginal families and communities is seen on the ground every day by the members of our Police Force. The Walama Court proposal is designed to reduce recidivism rates of Indigenous people through the use of more rigorous supervision orders and diversionary programs in the sentencing process, as well as increased cooperation between the criminal justice system and respected persons in the Indigenous community.” said Mr Gooley.

Mr Moses said “This is not a soft on-crime option. The court monitoring of community based orders will be more onerous. There will be in certain cases weekly drug and alcohol testing. Offenders will be made more not less accountable for their actions.”

The Walama Court will be dealing with proceedings in accordance with the legislative regime and sentencing principles that apply to criminal proceedings generally. The Walama Court will be bound to have regard to the purposes of sentencing as set out in Section 3A of the *Crimes Sentencing Procedures Act* and to various principles relevant to sentencing as set out in numerous Court of Criminal Appeal decisions.

“We believe that the establishment of the Court will reduce recidivism and increase compliance with court orders to better protect the community and we urge the Government to urgently fund a trial of the Walama Court model” Mr Moses and Mr Gooley said.

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