

MEDIA RELEASE

NEW SOUTH WALES BAR ASSOCIATION WELCOMES CREATION OF WALAMA LIST



22 November 2021

The President of the New South Wales Bar Association Michael McHugh SC today welcomed the establishment of a specialised Walama list to determine specific matters involving First Nations offenders.

“The New South Wales Bar Association has consistently advocated for a specialist Walama Court to be established in NSW at District Court level. The establishment of the Walama list as a pilot program by the District Court is a significant measure in addressing the continued over-representation of Indigenous people in Australia's criminal justice system, and will ensure that sentencing principles are applied through a more culturally sensitive framework, involving increased co-operation between the criminal justice system and respected persons in the Indigenous community.

The Association acknowledges the District Court's commitment to resource the program and in particular the efforts of the Chief Judge and her Honour Judge Yehia in bringing the pilot to fruition, along with the Government's funding to support elders participating in the pilot and to provide operational support.

We hope that it is a step closer to a fully funded Walama Court, as supported by the Australian Law Reform Commission's *Pathways to Justice* report, and those who are engaged daily at the frontline of the justice system including the DPP, the Aboriginal Legal Service, the Law Society, the NSW Police Association and the Bar. The NSW Government's Closing the Gap targets include a commitment to reduce the rate of Aboriginal and Torres Strait Islander adults held in incarceration by at least 15 per cent by 2031. While there is a great deal more to do, a fully funded Walama Court would be an important step towards achieving this target.

The Walama List model provides the opportunity for eligible participants to access support services such as drug and alcohol programs and counselling prior to sentencing and allows the list judge greater capacity to monitor the progress of an individual until finally sentenced" said Mr McHugh.

It will enhance rehabilitation prospects for Indigenous offenders, and has the potential to realise cost savings for the justice system by reducing recidivism rates" Mr McHugh said.

“The Association looks forward to the commencement of the Walama list in February 2022, and to the future expansion of the pilot which will bring significant benefits for First Nations people and the community generally.”

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